

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**June 21, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., June 21, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Anne Longo, Assistant Chief Counsel, Civil Division. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Dr. Rodrigo Silva, Director, Animal Care and Control, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Julie Bank, Assistant Director, Animal Care and Control, led the assemblage in the Pledge of Allegiance.

**CHAIRMAN'S PREROGATIVE**

Chairman Stapley announced that Secretary of State Jan Brewer was in the audience and asked her to stand in recognition. Ms. Brewer was a member of the Board of Supervisors prior to being elected Secretary of State.

**HONOR MEMBERS OF BOARDS AND COMMISSIONS**

Al Macias, Public Information Officer, recognized members from the following Boards and Commissions to honor the determination and loyalty that prompt them to donate their time to the business of the County and to advise the Board. The Supervisors all expressed their sincere appreciation for the hours, weeks, months and years that many of the members of the various Boards and Commissions freely give to benefit the citizen taxpayers who live here. (ADM662):

- o Citizens' Audit Advisory Council
- o Citizens' Jail Oversight Committee
- o Maricopa County Commission of Justice System Intervention for the Seriously Mentally Ill
- o Self-Insured Trust Fund Board of Trustees
- o State Board of Equalization

**RECOGNITION OF JULIE BANK**

Chairman Stapley recognized Julie Bank, Deputy Director, Animal Care and Control, for her years of service and commitment to Maricopa County and its animals. Ms. Bank will soon leave for a new position in San Diego. Chairman Stapley said she will be missed and thanked her for her hard work and dedication to the County and to the animals of the County during her time here. (C7906121M00) (ADM650)

**PRESENTATION OF THREE GOVERNOR'S ENERGY EFFICIENCY AWARDS**

Steve Conner, Director of Facilities Management, made the presentation of three Governor's Energy Efficiency Awards to the Maricopa County Board of Supervisors. The Energy Awards were presented to Maricopa County on March 21, 2006 as part of the 2005 Energy Management Conference, hosted by the

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Arizona Department of Commerce. The County received awards for the new Downtown Justice Center, the Maricopa County Department of Transportation warehouse lighting retrofit, and for conversion from CRT computer monitors to LCD screens. Mr. Conner said that Maricopa County is committed to conserving energy in all ways possible and these three awards show the varied ways this has been accomplished. (C7006042M00) (ADM650-001)

**TRANSFER EXPENDITURE AUTHORITY TO THE CONSTABLES' OFFICE**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilson and seconded by Supervisor Kunasek to approve the transfer of expenditure authority from FY 2006-07 contingency funds in the amount of \$125,042 from General Government (470) General Fund (100) General Contingency (4711) to the Constables' Office (250) General Fund (100). This action will require an appropriation adjustment increasing the Constables' FY 2006-07 expenditure budget by \$125,042 and reducing General Government General Fund Reserved Contingency by the same amount for a net countywide impact of zero. Approve setting the Constables' salaries for Precincts to be elected to a four- year term commencing on January 1, 2007, from \$48,294 to \$60,000. Each of the following 16 Constable Precincts are up for election in November 2006, and have more than 16,000 registered voters: Estrella Mountain, Encanto, San Marcos, East Mesa, Downtown, Manistee, Lake Pleasant, McDowell Mountain, South Mountain, University Lakes, Agua Fria, West Mesa, West McDowell, Hassayampa, North Valley, and Kyrene. Approve setting the salary for the Ironwood Precinct, which has fewer than 5,000 registered voters and also up for election, from \$12,459 to \$15,000. The remaining six Constable Precincts do not meet the criteria for salary adjustments in FY 2006-07. The half-year expenditure impact of \$125,042 for FY 2006-07 would be annualized at \$250,084 in FY 2007-08. SB 1279, signed by Governor Napolitano on June 13, 2006, raised the maximum salary for Constables to \$61,208 from \$55,654. This bill will be effective 90 days of adjournment, absent a referendum, therefore, the salary range for Constables taking office January 1, 2007, will be no less than \$48,294 and no more than \$61,208. (Addendum item A-1) (C2506008000) (ADM1300-003) (ADM1300)

Constable Ron Myers spoke on behalf of the County Constables and asked the Board to support this item. The Supervisors commended the Constables for their conduct, many times in the face of personal danger, and the excellent standards that most of these elected officials bring to their office. Motion unanimously carried (4-0-1) to approve the transfer of expenditure authority as given above.

**MEDICAL EXAMINER OFFICE ORGANIZATIONAL CHART**

Chairman Stapley said the intent of this item was to ratify the action taken by the County Manager on May 8<sup>th</sup> and to make it also the action of the Board of Supervisors. Discussion was called for by the Chair with no respondents coming forward to speak. Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the organizational chart for the Office of the Medical Examiner dated May 8, 2006. The organization chart reflects the creation of an Administrative Director Position in the Office of the Medical Examiner, for the efficient disposition of administrative issues. (Addendum item A-2) (C0606080600) (ADM2170)

**ACTIONS RELATED TO REGIONAL SCHOOL DISTRICT - WITHDRAWN**

Item: Approve the following actions related to the Maricopa County Regional School District. (Addendum item A-3)

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- o Authorize the County Manager to discontinue the provision of A.R.S. §15-308(B) services effective immediately following the end of the Regional School District's current summer sessions, but no later than July 28, 2006. (ADM3814-002)
- o Revoke authorization of the Maricopa County Regional School District's use and possession of county-owned real properties and improvement at the Thomas J. Pappas School following the action authorized above. Immediately revoke authorization of the Maricopa County Regional School District's use and possession of county-owned real properties and improvement at the Maricopa County Regional School District No. 509 administrative offices. (These properties are together identified as Assessor's parcels 111-41-178 and 111-41-179.) Further authorize the County Manager and appointed counsel to take all necessary legal action needed to take possession of the properties and improvements. (ADM3814-004)
- o Provide referral and priority placement services, as outlined in Human Resources Administrative Policy 2404, to Maricopa County Regional School District employees who are subject to a reduction-in-force as a result of the discontinuation of A.R.S. §15-308(B) services. This action will provide employees who are laid off with the opportunity to apply and be considered for employment opportunities with county departments for which they are qualified before external applicants and other non-priority placement applicants within the County. (C0606082M00) (ADM3814-001)

This item was withdrawn by the Clerk.

**CHANGE ORDER FOR SECURITY BUILDING**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 5 to contract C7004039800, Concord General Contracting, in the amount of \$226,029. This contract is for the continued design-build and related professional services for the renovations of the Security Building. (Addendum item A-4) (C7004039802)

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications. The Clerk announced that application c. (original Series 10 license for a Circle K store in Chandler) had been withdrawn at the request of the applicant. She also informed the Board that application d. (Bons Appetit) was recommended for approval subject to the issuance of their Certificate of Occupancy. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilson, to recommend approval of the liquor license applications a, b, e, f, g, h, to recommend approval of application d. for Bons Appetit conditioned on issuance of the Certificate of Occupancy and to withdraw application c. for Circle K Stores #AZIRIGGS at the request of the applicant.

- a. Application filed by Mauro Florentine for a Special Event Liquor License: (F23191)

Business Name:	Our Lady of Lourdes Parish Men's Club
Location:	14818 W. Deer Valley Drive, Sun City West, 85375
Date/Time:	September 5, 2006; 5:00 pm – 9:00 pm (SELL736) October 3, 2006; 5:00 pm – 9:00 pm (SELL737)

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November 8, 2006; 5:00 pm – 9:00 pm (SELL738)

December 5, 2006; 5:00 pm – 9:00 pm (SELL739)

- b. Application filed by Samuel T. Crump, Sr. for a Special Event Liquor License: (F23191)

Business Name: Rotary Club of Anthem  
Location: 41703 N. Gavilan Peak Parkway, Anthem, 85086  
Date/Time: July 3, 2006; 4:00 pm – 10:00 pm (SELL740)

- c. Application filed by Kim Kenneth Kwiatkowski for an Original Series 10 Liquor License: (LL6186)

Business Name: Circle K Stores #AZIRIGGS **WITHDRAWN**  
Location: SEC of Arizona Avenue & Riggs Road, Chandler, 85249  
This item was continued from the June 5, 2006 meeting.  
The Clerk announced this item was withdrawn because of zoning issues..

- d. Application filed by Margy E. Bons for an Original Series 12 Liquor License: (LL6188)

Business Name: Bons Appetit  
Location: 711 E. Carefree Highway, Suite 216, Phoenix, 85085  
Applicant will submit a Certificate of Occupancy

- e. Application filed by Hamzo Kosovrasti for a Location Transfer of a Series 7 Liquor License (LL6189)

Business Name: Ray's Pizza  
Location: 711 E. Carefree Highway, Suite 150, Phoenix, 85085  
Previous Location: 3414 W. Union Hills Drive, Phoenix, 85027

- f. Application filed by Jeffrey Adam Smith for a Person-to-Person Transfer of a Series 7 Liquor License from Scott Jeffrey Simpson, Agent: (LL6190)

Business Name: Crooked Putter Restaurant  
Location: 14260 W. Meeker Boulevard, Sun City West, 85375

- g. Application filed by Danny Yousif for a Person-to-Person Transfer of a Series 6 Liquor License from Raymond Leon Hollenstien, Agent: (LL6191)

Business Name: Tin Top Bar and Grill  
Location: 37901 W. Salome Highway, Tonopah, 85354

- h. Application filed by Danny Yousif for an Original Series 10 Liquor License (LL6192):

Business Name: Wintersburg General Store  
Location: 2614 S. Wintersburg Road, Tonopah, 85354

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilson voting "aye," Supervisor Brock voting "nay" and Supervisor Wilcox was not present.

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**PUBLIC HEARING – FIREWORKS DISPLAY**

Chairman Staley called for a public hearing on this matter. The Clerk announced that approval of application for Manzanita Speedway is subject to the completion of a temporary Use Permit. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following fireworks applications: (ADM665)

- a. Application filed by Fireworks Productions of AZ for an original Fireworks Display Application: (ADM665-56)

Organization: Phoenix Country Club  
Location: 2901 N. 7<sup>th</sup> Street, Phoenix, 85014  
Date/Time: July 4, 2006; 9:00 p.m.

- b. Application filed by Fireworks Productions of AZ for an original Fireworks Display Application: (ADM665-57) (Subject to a Temporary Use Permit being issued)

Organization: Manzanita Speedway  
Location: 3417 W. Broadway, Phoenix, 85041  
Date/Time: July 1, 2006; 7:00 p.m.

- c. Application filed by John Teixeira, Tonopah Fire Department, for an original Fireworks Display Application: (ADM665-58)

Organization: Tonopah Valley Community Council  
Location: 38201 W. Indian School Road, Tonopah, 85354  
Date/Time: July 4, 2006; 9:00 pm

**ROAD DECLARED – ROAD FILE NO. A147**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C6406253000)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 17<sup>th</sup> day of May, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 30 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE $\frac{1}{4}$ ) of Section Fourteen (14), in Township Three (3) North, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 30 feet of the Southeast quarter (SE $\frac{1}{4}$ ) said Section 14.

(Said alignment is also known as Cactus Road, from 175<sup>th</sup> Avenue to Cotton Lane)

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**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 21<sup>st</sup> day of June 2006.

**ROAD FILE AMENDMENT**

**ROAD DECLARED – REVISION OF RESOLUTION  
ROAD FILE NUMBER 5070-R**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following Resolution be passed and adopted: (C6400035001)

**WHEREAS**, on the 1<sup>st</sup> day of September, 1999, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to Establish, open and declare a County Highway; and

**WHEREAS**, on the 6<sup>th</sup> day of October, 1999, the Board adopted a Resolution designating Road File Number 5070, declaring said road into the County Highway system; and

**WHEREAS**, that said petition and Resolution is being revised to amend the legal description approved on the 6<sup>th</sup> day of October, 1999;

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**NOW, THEREFORE, BE IT RESOLVED**, that the legal description be amended to read as follows:

A roadway of a varying width, together with all appurtenant rights, lying within Section Nineteen (19) and Section Thirty (30), Township One (1) South, Range Two (2) West of the Gila and Salt River Base Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 75 feet of said Section 19; and,  
The North 150 feet of the Northwest quarter (NW $\frac{1}{4}$ ) of said Section 30; and,  
The North 150 feet of the Northwest quarter of the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section 30; and,  
The North 65 feet of the Northeast quarter of Northwest quarter of the Northeast quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section 30;  
The North 65 feet of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section 30;

Roadway also known as Ray Road from Airport Road to Tuthill Road.

**DATED** this 21<sup>st</sup> day of June 2006.

**PUBLIC HEARING – FRANCHISE – BALTERRA SEWER CORPORATION**

Chairman Stapley called for a public hearing to solicit comments on the application filed by Balterra Sewer Corporation for a public utility franchise to construct, maintain and operate a sewage system consisting of lines, connections, manholes and all necessary equipment, for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of domestic sewage system for use along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

The description for that portion of the property described below, lying within section 23, township 2 north, range 7 west, Gila and Salt River base and meridian, Maricopa County, Arizona, is based on an alta/acsm land title survey by Morrison Maierle, Incorporated, dated September 22, 2004.

That portion of section 19, township 2 north, range 6 west, and section 24, township 2 north, range 7 west, Gila and Salt River base and meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at an Arizona Department of Transportation brass cap at the southeast corner of said section 19;  
thence north 89°28'08" west, along the south line of the southeast quarter of said section 19, a distance of 2,640.04 feet to a brass cap at the south quarter corner of said section 19;  
thence north 89°28'43" west, along the south line of the southwest quarter of said section 19, a distance of 1,687.12 feet to a half inch rebar and yellow cap marked "dea 40622" at

the southeast corner of that certain tract of land condemned for highway as recorded under docket no. 7553, page 749, records of Maricopa County, Arizona;

thence north 00°31'17" east, along the east line of that certain tract of land condemned for highway as recorded under docket no. 7553, page 749, records of Maricopa County, Arizona, a distance of 65.22 feet to an Arizona Department of Transportation brass cap;

thence north 85°42'56" west, along the north line of that certain tract of land condemned for highway as recorded under docket no. 7553, page 749, records of Maricopa County, Arizona, a distance of 629.08 feet to an Arizona Department of Transportation brass cap;

thence north 74°33'19" west, along the north line of that certain tract of land condemned for highway as recorded under docket no. 7553, page 749, records of Maricopa County, Arizona, a distance of 308.20 feet to a half inch rebar and yellow cap marked "dea 40622" at a point on the west line of said section 19, also being the northeast corner of that certain tract of land deeded for highway as recorded under docket no. 6412, page 55, records of Maricopa County, Arizona;

thence north 74°32'33" west, along the north line of that certain tract of land deeded for highway as recorded under docket no. 6412, page 55, records of Maricopa County, Arizona, a distance of 1,142.11 feet to an Arizona Department of Transportation brass cap;

thence north 74°32'55" west, along the north line of that certain tract of land deeded for highway as recorded under docket no. 6412, page 55, records of Maricopa County, Arizona, a distance of 1,300.16 feet to an Arizona Department of Transportation brass cap;

thence north 74°32'56" west, along the north line of that certain tract of land deeded for highway as recorded under docket no. 6412, page 55, records of Maricopa County, Arizona, a distance of 294.08 feet to a one half inch rebar on the west line of the southeast quarter of said section 24;

thence north 00°32'56" east, along the west line of the southeast quarter of said section 24, a distance of 1751.55 feet to a one inch rebar at the center of said section 24;

thence north 89°27'44" west, along the south line of the northwest quarter of said section 24, a distance of 1321.24 feet to a five eighths inch rebar at the southwest corner of the southeast quarter of the northwest quarter of said section 24;

thence north 00°33'08" east, along the west line of the southeast quarter of the northwest quarter of said section 24, a distance of 132.00 feet to a half inch rebar on the north line of the south 132.00 feet of the southwest quarter of the northwest quarter of said section 24;

thence north 89°27'44" west, along the north line of the south 132.00 feet of the southwest quarter of the northwest quarter of said section 24, a distance of 660.61 feet to a half inch rebar marked "don miller, ls 15335" at the west line of the east half of the southwest quarter of the northwest quarter of said section 24;

thence north 00°33'16" east, along the west line of the east half of the southwest quarter of the northwest quarter of said section 24, a distance of 528.12 feet to a half inch rebar marked "don miller, ls 15335" at the southeast corner of the northwest quarter of the southwest quarter of the northwest quarter of said section 24;

thence north 89°27'40" west, along the south line of the northwest quarter of the southwest quarter of the northwest quarter of said section 24, a distance of 660.59 feet to a half inch rebar and yellow cap marked "dea 40622" at the southwest corner of the northwest quarter of the southwest quarter of the northwest quarter of said section 24;



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thence north  $00^{\circ}33'24''$  east, along the west line of the northwest quarter of said section 24, a distance of 660.13 feet to a half inch rebar at the northwest corner of the southwest quarter of the northwest quarter of said section 24;

thence south  $89^{\circ}27'36''$  east, along the north line of the south half of the northwest quarter of said section 24, a distance of 2642.28 feet to a five eights inch rebar at the southeast corner of the northeast quarter of the northwest quarter of said section 24;

thence north  $00^{\circ}32'53''$  east, along the east line of the northeast quarter of the northwest quarter of said section 24, a distance of 1320.15 feet to a half inch rebar at the north quarter corner of said section 24;

thence south  $89^{\circ}31'19''$  east, along the north line of the northeast quarter of said section 24, a distance of 2645.96 feet to a glo brass cap at the northeast corner of said section 24;

thence south  $00^{\circ}33'36''$  west, along the east line of the northeast quarter of said section 24, a distance of 1320.00 feet to a half inch rebar at the south line of the north 1320.00 feet of the northwest quarter of said section 19;

thence south  $89^{\circ}29'19''$  east, along the south line of the north 1320.00 feet of the northwest quarter of said section 19, a distance of 1320.00 feet to a half inch rebar at the southeast corner of the west 1320.00 feet of the north 1320.00 feet of the northwest quarter of said section 19;

thence north  $00^{\circ}33'36''$  east, along the east line of the west 1320.00 feet of the northwest quarter of said section 19, a distance of 1320.00 feet to a half inch rebar on the north line of the northwest quarter of said section 19, also being the northeast corner of the west 1320.00 feet of the north 1320.00 feet of the northwest quarter of said section 19;

thence south  $89^{\circ}29'19''$  east, along the north line of the of the northwest quarter of said section 19, a distance of 1286.27 feet to a glo brass cap at the north quarter corner of said section 19;

thence south  $89^{\circ}29'54''$  east, along the north line of the of the northeast quarter of said section 19, a distance of 2643.72 feet to a rebar with aluminum cap marked "Is 36563, 2004" at the northeast corner of said section 19;

thence south  $00^{\circ}32'10''$  west, along the east line of the of the northeast quarter of said section 19, a distance of 2643.21 feet to a rebar with aluminum cap marked "Is 36563, 2004" at the east quarter corner of said section 19;

thence south  $00^{\circ}32'12''$  west, along the east line of the of the southeast quarter of said section 19, a distance of 2643.45 feet to an Arizona Department of Transportation brass cap at the southeast corner of said section 19 and the point of beginning;

together with the northeast quarter of section 23, township 2 north, range 7 west, Gila and Salt River base and meridian, Maricopa County, Arizona, being also described as follows:

beginning at a half-inch rebar at the northeast corner of section 23, township 2 north, range 7 west, Gila and Salt River base and meridian, Maricopa County, Arizona;

thence south  $00^{\circ}33'24''$  west, along the east line of the northeast quarter of said section 23, a distance of 2640.55 feet to a glo brass cap at the east quarter corner of said section 23;

thence north  $89^{\circ}26'32''$  west, along the south line of the northeast quarter of said section 23, a distance of 2636.57 feet to a half inch rebar with tag marked "I.s. 12218" at the center of said section 23;

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thence north 00°35'09" east, along the west line of the northeast quarter of said section 23, a distance of 2641.17 feet to a glo brass cap at the north quarter corner of said section 23;

thence south 89°25'44" east, along the north line of the northeast quarter of said section 23, a distance of 2635.23 feet to a glo brass cap at the northeast corner of said section 23 and the point of beginning.

Except that portion of the southwest quarter of said section 19 described as follows: commencing at a brass cap found at the south quarter corner of said section 19, from which an Arizona Department of Transportation brass cap at the southeast corner of said section 19 bears south 89°28'08" east, a distance of 2640.04 feet; thence north 89°28'43" west, along the south line of the southwest quarter of said section 19, a distance of 1482.82 feet; thence north 00°31'17" east, a distance of 40.00 feet to a half in rebar at a point on a line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19 and the true point of beginning;

thence continuing north 00°31'17" east, a distance of 200.00 feet to a half in rebar at a point on a line lying 240.00 feet north of and parallel to the south line of the southwest quarter of said section 19;

thence south 89°28'43" east, along said line lying 240.00 feet north of and parallel to the south line of the southwest quarter of said section 19, a distance of 200.00 feet to a half in rebar;

thence south 00°31'17" west, a distance of 200.00 feet to a half in rebar at a point on said line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19;

thence north 89°28'43" west, along said line lying 40.00 feet north of and parallel to the south line of the southwest quarter of said section 19, a distance of 200.00 feet to a half in rebar at the point of beginning; situate in the County of Maricopa, State of Arizona.

contains 1,110.083 acres more or less. (gross)

contains 1,082.750 acres more or less. (net)

and

the northwest quarter of the northeast quarter and the west half of the northeast quarter of the northeast quarter of section 28, township 2 north, range 5 west of the Gila and Salt River base and meridian, Maricopa County, Arizona;

except any portion lying within the dedicated right of way for Indian School Road per road declaration recorded in docket 3124, pages 573-575, records of Maricopa County, Arizona;

also except any portion lying within that property described in document recorded under recording no. 870106857 records of Maricopa County, Arizona.

contains 57.6 acres more or less.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and

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welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (F23205)

**PUBLIC HEARING – CHAPTER I (FEE SCHEDULE) – MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE**

Chairman Stapley called for a public hearing to solicit comments, review and consider proposed revisions to Chapter I (Fee Schedule) of the Maricopa County Environmental Health Code. The code amendments will reflect changes to the Arizona Department of Environmental Quality Delegation Agreement and to recover fees for services. Prior to acquiring Board of Health approval, information and public comments were gathered and incorporated into the proposed revisions via department initiated stakeholder meetings. (C8806012700) (ADM2102)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Environmental Health Code Fee Schedule revisions.

**MARICOPA COUNTY ENVIRONMENTAL HEALTH CODE  
CHAPTER I  
GENERAL PROVISIONS**

**REGULATION 1. Definitions**

The following definitions shall apply throughout this Environmental Health Code, unless a different meaning is clearly indicated by the context or is stated in any of the several chapters.

- a. "Approved" or "approval" means acceptable to the Department and so stated in writing.
- b. "Board" means the Maricopa County Board of Supervisors.
- c. "Board of Health" means the Board of Health of Maricopa County.
- d. "Chairman" means the Chairman of the Maricopa County Board of Supervisors.
- e. "Clerk" means the Clerk of the Maricopa County Board of Supervisors.
- f. "Counsel" means an attorney licensed to practice law in the State of Arizona.
- g. "County" means Maricopa County.
- h. "Department" means the Maricopa County Environmental Services Department.
- i. "Environmental Health Code" means all of the rules and regulations which are adopted by the Board of Health and the Board of Supervisors pursuant to A.R.S. 36-183.02, 36-184, 36-187.C., 11-251 Paragraphs 17 and 31, 11-251.05, 11-251.08, 49-106, and 49-107, and which remain in force.
- j. "Environmental Health Officer" means the Director of the Maricopa County Environmental Services Department or his/her authorized Agents.
- k. "Municipality" means an incorporated area within Maricopa County.
- l. "Notice" means an enforcement notice issued by the Environmental Health Officer.
- m. "Parties" means the Defendant and the County.
- n. "Permit" means a written permit to operate, issued by the Maricopa County Environmental Services Department.

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- o. "Person" includes any natural individual, firm, trust, partnership, association, institution, public body, corporation or any other entity and includes the plural as well as the singular, feminine as well as the masculine.

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- p. "Regulation" means the regulations in this Environmental Health Code and the regulations of the Arizona Departments of Health Services and Environmental Quality.

**REGULATION 2. Purpose**

The rules and regulations adopted and contained herein, and the enforcement thereof by the Department, are designed and intended to provide minimum standards for the protection of the health of the people of Maricopa County and to prevent the creation or maintenance of unhealthful, unsanitary conditions or public health nuisances, and shall be liberally construed to accomplish these purposes.

**REGULATION 3. Responsibilities - Right of Inspection**

- a. The owner, person in charge of control, lessee, tenant, and occupant of every building, establishment, premises, place, potable water supply, sewage works, sewerage, drainage or wastewater reclamation system has the duty to take all necessary, reasonable and usual precautions to keep, place and preserve the same in such condition, and to conduct and maintain the same in such manner, that it shall not be dangerous or deleterious to the public or in violation of the Rules and Regulations in this Environmental Health Code or the regulations of the Arizona Departments of Health Services and Environmental Quality.
- b. No person shall refuse to allow the Department to inspect fully any and all premises or facilities at any reasonable time, and no person shall molest or resist the Department in the discharge of its duties whether in inspections for application approval or for the enforcement of this Environmental Health Code.

**REGULATION 4. Permits, Service, and Other Requirements**

- a. No person shall conduct an operation or an establishment for which a permit is required without holding the necessary and valid permit to do so, or otherwise than in compliance with the Rules and Regulations in this Environmental Health Code.
- b. Permit application shall be made on forms provided by the Department and shall be completed in all pertinent details.

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- c. (1) No application for permit shall receive approval and no permit shall be issued and no facility for which a permit is required shall be placed in operation until the applicant demonstrates to the Department full compliance with the provisions of this Environmental Health Code.
- (2) The Environmental Health Officer may refuse to issue a permit to any person if the person fails to demonstrate sufficient reliability, expertise, integrity and competence to fulfill the requirements for permit and comply with applicable rules and regulations of this Environmental Health Code.
- d. Any person denied a permit based on Regulation 4.c.(2) of this Chapter may exercise the following options:
- (1) Request, in writing, that the Environmental Health Officer specify conditions necessary to provide reasonable assurance that full compliance with provisions of this Environmental Health Code will be achieved. The Environmental Health Officer within five (5) working days of the request shall specify said conditions; or
- (2) Request in writing a hearing before the Environmental Health Officer as specified in Chapter 1, Regulation 6.
- e. In cases where the Department requires the submission of plans and specifications, no person shall commence construction unless the required plans have been approved. It shall be the full responsibility of said person that construction be in conformance with the approved plans and specifications.

- f. The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date.  
An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days of expiration. A fee equal to one-half (1/2) of the flat fee or initial plan review fee is paid. The approval will be effective for one year from the date of expiration.
- g. (1) Permits are valid from the date of issuance until the date of expiration unless suspended or revoked prior thereto.  
(2) Permit renewal fees become due on such date of expiration.  
(3) A permit delinquency fee becomes due for failure to pay the permit fee within one calendar month of the permit renewal fee due date.
- h. No permit is transferable from person-to-person or place-to-place.
- i. Each permit certificate must be kept at the establishment, premises or vehicle designated, and displayed in a conspicuous place. Where practicable, permits shall be framed and protected against soiling.

**REGULATION 5. Fees**

- a. No permit shall be issued, and no permit is valid, until the permit fee is received by the Department, except that the operator of a charitable nonprofit establishment (which operates to provide relief solely for the poor, distressed or under-privileged) may apply to the Board of Health for a waiver of permit fee. A waiver of fee may be granted only to the operator of an establishment, which maintains a current 501(c)(3) tax exempt designation from the Department of the Treasury, Internal Revenue Service, who demonstrates to the Board of Health that payment of said fee will cause financial hardship. Application for a permit fee waiver shall be made using forms provided by the Department.
- b. Investigation Fees:  
If any work for which a permit is required has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The fee shall be calculated at a rate of **\$130.00** per hour. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of the Environmental Health Code or the regulations of the Arizona Department of Health Services or Arizona Department of Environmental Quality or from any penalty prescribed by law.
- c. Plan Review Fees:  
Plan review fees shall be determined based on a flat fee or an initial fee plus an hourly rate.
  - (1) Where it applies, if the actual cost of processing the application for a plan review is greater than the initial fee, the Department shall send the Applicant a final itemized bill for the difference between the initial fee and the actual cost of processing the application except that the final bill shall not exceed the applicable maximum fee. Such a difference shall be paid in full before issuance of the permit.
  - (2) In determining a flat fee or an hourly rate for services, the fee shall not exceed the reasonable cost of providing the services required as established by A.R.S. 36 187.C.2.
  - (3) From the effective date of this regulation the hourly rate shall be **\$130.00** dollars per hour based on the Department's cost for a full fiscal year. Expedited, design/build and phased plan reviews shall be assessed at two

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times the flat fee or hourly rate. The Board of Supervisors may amend the  
flat fee or hourly rate annually.

Fees shall be paid according to the following table:

**CHAPTER I  
MARICOPA COUNTY HEALTH CODE  
Food Facility Operating Permit FEE SCHEDULE - Effective July 21, 2006  
Permits, Inspections**

<b>Required Permit</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Adventure Food Service	Class 4	\$190.00
Bakery	Class 2	\$245.00
Bakery (School)	Class 2	\$170.00
Boarding Home	Class 2	\$230.00
Boarding Home	Class 5	\$515.00
Bottled Water and Beverage Plants	Class 2	\$305.00
Damaged Food	Class 4	\$390.00
Daycare Foodservice	Class 3	\$220.00
E&D 0-9 Seating	Class 2	\$185.00
E&D 0-9 Seating	Class 3	\$250.00
E&D 0-9 Seating	Class 4	\$330.00
E&D 0-9 Seating	Class 5	\$395.00
E&D Adult Daycare	Class 3	\$235.00
E&D Assisted Living	Class 5	\$425.00
E&D Hospital Food Service	Class 5	\$580.00
E&D Jail Food Service	Class 5	\$1,115.00
E&D Nursing Home	Class 5	\$440.00
E&D School Foodservice	Class 2	\$270.00
E&D School Foodservice	Class 3	\$345.00
E&D School Foodservice	Class 4	\$420.00
E&D Senior Food Service	Class 3	\$290.00
E&D Service Kitchen	Class 2	\$125.00
E&D 10+ Seating	Class 2	\$280.00
E&D 10+ Seating	Class 3	\$390.00
E&D 10+ Seating	Class 4	\$515.00
E&D 10+ Seating	Class 5	\$515.00
Food Bank	Class 2	\$155.00
Food Catering	Class 5	\$305.00
School Food Catering	Class 5	\$325.00
Food Jobber	Class 2	\$190.00
Food Jobber School	Class 2	\$190.00
Food Peddler	Class 2	\$120.00
Food Processor	Class 2	\$210.00
Food Processor	Class 4	\$355.00
Food Processor School	Class 2	\$195.00
Food Processor School	Class 4	\$315.00

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Ice Manufacturing	Class 2	\$175.00
	Application received 7 days prior to Event:	\$70.00
	Application received < 7 days prior to Event:	\$105.00
Itinerant (Temporary)		
Meat Market	Class 4	\$335.00
Miscellaneous Food	Class 1	\$80.00
Mobile Food Unit	Class 4	\$280.00
Pushcart	Class 3	\$150.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$270.00
Retail Food Establishment	Class 2	\$170.00
<b>Required Permit</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Seasonal Food Establishment	Class 2	\$125.00
Vending Machine	Class 2	\$160.00
Liquor License		\$45.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
	Mobile Food Establishments	
Variance		\$255.00
Bare Hands Contact Exemption		\$245.00
	Eating and Drinking	
Variance		\$90.00
	Eating and Drinking	
Inspection upon Request		\$240.00

**MARICOPA COUNTY HEALTH CODE  
Food Facility Operating Permit FEE SCHEDULE - Effective July 1, 2007  
Permits, Inspections**

<b>Required Permit</b>	<b>Permit Sub Type</b>	<b>1 Yr. Fee</b>
Adventure Food Service	Class 4	\$190.00
Bakery	Class 2	\$275.00
Bakery (School)	Class 2	\$170.00
Boarding Home	Class 2	\$325.00
Boarding Home	Class 5	\$895.00
Bottled Water and Beverage Plants	Class 2	\$355.00
Damaged Food	Class 4	\$580.00
Daycare Foodservice	Class 3	\$305.00
E&D 0-9 Seating	Class 2	\$220.00
E&D 0-9 Seating	Class 3	\$350.00
E&D 0-9 Seating	Class 4	\$510.00
E&D 0-9 Seating	Class 5	\$645.00
E&D Adult Daycare	Class 3	\$335.00
E&D Assisted Living	Class 5	\$595.00

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E&D Hospital Food Service	Class 5	\$895.00
E&D Jail Food Service	Class 5	\$1,970.00
E&D Nursing Home	Class 5	\$615.00
E&D School Foodservice	Class 2	\$275.00
E&D School Foodservice	Class 3	\$430.00
E&D School Foodservice	Class 4	\$575.00
E&D Senior Food Service	Class 3	\$385.00
E&D Service Kitchen	Class 2	\$175.00
E&D 10+ Seating	Class 2	\$295.00
E&D 10+ Seating	Class 3	\$520.00
E&D 10+ Seating	Class 4	\$775.00
E&D 10+ Seating	Class 5	\$765.00
Food Bank	Class 2	\$205.00
Food Catering	Class 5	\$415.00
School Food Catering	Class 5	\$455.00
Food Jobber	Class 2	\$220.00
Food Jobber School	Class 2	\$220.00
Food Peddler	Class 2	\$120.00
<b>Required Permit</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Food Processor	Class 2	\$235.00
Food Processor	Class 4	\$525.00
Food Processor School	Class 2	\$200.00
Food Processor School	Class 4	\$450.00
Ice Manufacturing	Class 2	\$175.00
		Application received 7 days prior to Event: \$75.00
		Application received < 7 days prior to Event: \$105.00
Itinerant (Temporary)		
Meat Market	Class 4	\$470.00
Miscellaneous Food	Class 1	\$95.00
Mobile Food Unit	Class 4	\$385.00
Pushcart	Class 3	\$195.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$385.00
Retail Food Establishment	Class 2	\$205.00
Seasonal Food Establishment	Class 2	\$150.00
Vending Machine	Class 2	\$220.00
Liquor License		\$45.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
	Mobile Food	
Variance	Establishments	\$255.00
Bare Hand Contact Exemption		\$245.00
	Eating and	
Variance	Drinking	\$90.00



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Inspection upon Request	Eating and Drinking	\$240.00
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**CHAPTER I  
MARICOPA COUNTY HEALTH CODE  
Food Facility Operating Permit FEE SCHEDULE - Effective July 1, 2008  
Permits, Inspections**

<b>Required Permit</b>	<b>Permit Sub Type</b>	<b>1 Yr. Fee</b>
Adventure Food Service	Class 4	\$190.00
Bakery	Class 2	\$310.00
Bakery (School)	Class 2	\$170.00
Boarding Home	Class 2	\$415.00
Boarding Home	Class 5	\$1,270.00
Bottled Water and Beverage Plants	Class 2	\$410.00
Damaged Food	Class 4	\$765.00
Daycare Foodservice	Class 3	\$390.00
E&D 0-9 Seating	Class 2	\$260.00
E&D 0-9 Seating	Class 3	\$455.00
E&D 0-9 Seating	Class 4	\$695.00
E&D 0-9 Seating	Class 5	\$895.00
E&D Adult Daycare	Class 3	\$435.00
E&D Assisted Living	Class 5	\$760.00
E&D Hospital Food Service	Class 5	\$1,215.00
E&D Jail Food Service	Class 5	\$2,825.00
E&D Nursing Home	Class 5	\$795.00
<b>Required Permit</b>	<b>Permit Sub Type</b>	<b>1 Yr. Fee</b>
E&D School Foodservice	Class 2	\$285.00
E&D School Foodservice	Class 3	\$515.00
E&D School Foodservice	Class 4	\$735.00
E&D Senior Food Service	Class 3	\$475.00
E&D Service Kitchen	Class 2	\$230.00
E&D 10+ Seating	Class 2	\$315.00
E&D 10+ Seating	Class 3	\$650.00
E&D 10+ Seating	Class 4	\$1,030.00
E&D 10+ Seating	Class 5	\$1,020.00
Food Bank	Class 2	\$260.00
Food Catering	Class 5	\$530.00
School Food Catering	Class 5	\$590.00
Food Jobber	Class 2	\$255.00
Food Jobber School	Class 2	\$255.00
Food Peddler	Class 2	\$120.00
Food Processor	Class 2	\$260.00
Food Processor	Class 4	\$695.00
Food Processor School	Class 2	\$210.00

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Food Processor School	Class 4	\$580.00
Ice Manufacturing	Class 2	\$175.00
	Application received 7 days prior to Event:	\$85.00
	Application received < 7 days prior to Event:	\$105.00
Itinerant (Temporary)		
Meat Market	Class 4	\$610.00
Miscellaneous Food	Class 1	\$105.00
Mobile Food Unit	Class 4	\$490.00
Pushcart	Class 3	\$240.00
Refrigerated Warehouse/Locker	Class 2	\$265.00
Retail Food Establishment	Class 3	\$505.00
Retail Food Establishment	Class 2	\$235.00
Seasonal Food Establishment	Class 2	\$180.00
Vending Machine	Class 2	\$285.00
Liquor License		\$45.00
Commissary	Class 2	\$1,020.00
Commissary	Class 4	\$1,540.00
	Mobile Food Establishments	
Variance		\$255.00
Bare Hand Contact Exemption		\$245.00
Variance	Eating and Drinking	\$90.00
Inspection upon Request	Eating and Drinking	\$240.00

**MARICOPA COUNTY HEALTH CODE  
FEE SCHEDULE - Effective July 21, 2006  
Permits, Inspections, Plans Examination**

<b>Non-Food Environmental Health Operating Permits</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Bathing	Public	\$365.00
	Semi-	
Bathing	Public	\$190.00
Hydrotherapy	Public	\$315.00
	Semi-	
Hydrotherapy	Public	\$140.00
<b>Non-Food Environmental Health Operating Permits</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Jail Complex		\$3,310.00
Mobile Pet Shop		\$20.00
Pet Shop		\$70.00
Public Accommodations		\$105.00
School Grounds		\$115.00
Special Use Pool	Public	\$215.00
	Semi-	
Special Use Pool	Public	\$155.00
Trailer Park		\$105.00

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Wading Pool	Public	\$235.00
Wading Pool	Semi-Public	\$140.00
Campground		\$60.00
<b>Food Service Licensing</b>		<b>Fee</b>
Food Service Worker License		\$16.00
Food Service Manager License		\$5.00
Food Service Worker/Manager License Renewal		\$16.00/\$5.00
Duplicate Card		\$3.00

**Environmental Health Plan Review**

**Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that Category**

<b>Environmental Health Plan Review Type</b>	<b>Permit Subtype</b>	<b>Fee</b>
Eating and Drinking Establishments	0-9 Seating Capacity	\$545.00
All Other Food Establishments		\$615.00
Mobile Food Establishments		\$145.00
Pet Shops		\$520.00
Public Accommodations		\$535.00
School Facilities	Food Service	\$570.00
School Facilities	Non-Food	\$640.00
Other Minor Review		\$415.00
<b>Swimming Pool Plan Review</b>	<b>Permit Subtype</b>	<b>Fee</b>
Swimming Pools/Special Use Pools	≤ 1,000 sq. ft.	\$770.00
Swimming Pools/Special Use Pools	1,001-2,000 sq. ft.	\$1,180.00
Swimming Pools/Special Use Pools	2,001-9,999 sq. ft.	\$2,205.00
Swimming Pools/Special Use Pools	≥ 10,000 sq. ft.	\$6,460.00
Swimming Pool Remodel	Simple	\$165.00
Swimming Pool Remodel	Complex	\$250.00
Swimming Pool Pump Test Variance		\$455.00
Swimming Pool Variance		\$200.00

<b>Water and Waste Operating Permits</b>	<b>Permit Subtype</b>	<b>1 Yr. Fee</b>
Refuse Collection Variance Container Permit	1 to 25,000 Containers	\$2,100.00
Refuse Collection Variance Container Permit	25,001 to 50,000 Containers	\$4,000.00
Refuse Collection Variance Container Permit	50,001 to 100,000 Containers	\$7,800.00
Refuse Collection Variance Container Permit	100,001 to 200,000 Containers	\$15,500.00
Refuse Collection Variance Container Permit	200,001 to 300,000 Containers	\$23,050.00
Refuse Collection Variance Container Permit	300,001 to 400,000 Containers	\$30,700.00

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Refuse Collection Variance	400,001 to 500,000	
Container Permit	Containers	\$38,000.00
Refuse Collection Variance		
Container Permit	500,001+ Containers	\$45,000.00
Chemical Toilet		\$10.00 per unit
Non-Hazardous Liquid Waste		
Hauler		\$175.00 per vehicle
Refuse Hauler		\$120.00 per vehicle
Landfill		\$450.00
Medical Waste Haulers		\$200.00 per vehicle
<b>Water and Waste Operating Permits</b>		<b>1 Yr. Fee</b>
Community Public Water System >100,001 Population		\$3,925.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,400.00
Community Public Water System 10,001 to 100,000		
Population		\$2,700.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,350.00
Community Public Water System 1,001 to 10,000		
Population		\$2,000.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,350.00
Community Public Water System 101 to 1000		
Population		\$800.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,350.00
Community Public Water System 25 to 100 Population		\$300.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,100.00
Non Community Public Water System > 1,000		
Population		\$700.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,100.00
Non Community Public Water System 25 to 1000		
Population		\$250.00
Plus Each Well Site Addition		\$270.00
Plus Each Treatment Plant Addition		\$1,100.00
Water Transportation (Hauler)		\$240.00
Waste Treatment Works		\$2,100.00
Reuse Facility		\$300.00
Individual On-site treatment plant		\$100.00

**Water and Waste Plan Review**

Design/Build Plan Submittal (Requires prior administration approval) Two times Plan Review Fee  
 Phased Plan Submittal (Requires prior administration approval) Two times Plan Review Fee  
 Expedited Plan Review Fee (Requires prior administration approval) Two times the fee for that  
 Category

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<b>Plan Review</b>	<b>Initial Fee</b>	<b>Maximum Fee</b>
Non-Hazardous Liquid Waste Transfer Pad Plan	\$150.00	\$750
Refuse Collection Variance Plan	\$150.00	\$750
Water System Blending Plans	\$150.00	\$7,500
<b>Water Plants</b>		
Water Plant Includes Construction Inspection		
Treatment Plant > 1 Mgd	\$3,000.00	\$24,000
Treatment Plant .1 Mgd to 1 Mgd	\$1,500.00	\$15,000
Treatment Plant ≤ 99,999 Gal/Day	\$1,000.00	\$10,000
<b>Waste Treatment Works</b>		
Waste Treatment Works Includes Construction Inspection		
> 1 Mgd	\$3,000.00	\$24,000
.1 Mgd to 1 Mgd	\$1,500.00	\$15,000
<100,000 Gal/Day	\$1,000.00	\$10,000
<b>Other Plans</b>		
MAG 208 Certification	\$150.00	\$5,000
Experimental Project Approval Including Four (4) Quarterly Inspections	\$300.00	\$5,000
Waste Water Reuse	\$250.00	\$3,000
Ground Water Recharge	\$250.00	\$4,000
All Other Plans	\$150.00	\$1,500
<b>Water System Site Sampling Plan, Emergency Operations Plans, Backflow Prevention Plan or Other Plans</b>		
		<b>Fee</b>
Community Water System ≥100,001 Population		\$350.00
10,001 to 100,000		\$350.00
1,001 to 10,000		\$350.00
101 to 1000		\$350.00
25 to 100		\$275.00
Non Community Water System		
≥ 1,001 Population		\$275.00
25 to 1000		\$275.00
New Sources Approval Water Quality review and Report		\$425.00
Drinking Water System Compliance Reviews		\$250.00
<b>Water and Waste Plan Review</b>		<b>Flat Fee</b>
Approval of Sanitary facilities for a Subdivision of 150 lots or less.		\$450.00 per 150 lots
The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of \$450.00 plus \$450.00 and \$450.00 for a total flat fee of \$1,350.00)		
Trailer Coach Park facilities of 100 leased spaces or less.		\$600.00 per 100 spaces

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<p>The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of \$600.00 plus \$600.00 and \$600.00 for a total flat fee of \$1,800.00).</p>	
Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area.	\$525.00 per 50 or less lots
<p>The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of \$525.00 plus \$525.00 and \$525.00 for a total flat fee of \$1,575.00)</p>	
Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system group of 150 connections or less.	\$600.00 per 150 or less proposed connection
<p>The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 or less (e.g. a facility of 200 connections would require a fee of \$600.00 plus \$600.00 for a total flat fee of \$1,200.00)</p>	
Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	\$200.00
Master Plan Review and Approval	\$500.00
Well Site Review and Approval	\$675.00
Storage Tank (Atmosphere and /or Pressurized)	\$675.00
<b>Water and Waste Plan Review</b>	<b>Flat Fee</b>
Water Booster Station	\$675.00
Sewer Lift Station	\$600.00
<b>Sewer Collection Systems Plan Review</b>	<b>Flat Fee</b>
<b><u>Sewer Collections Systems</u></b> (Including Extensions) and Associated Appurtenances	
Gravity Sewer only, with manholes	
Serving 50 or less Connections	\$500.00
Serving 51 to 300 Connections	\$1000.00
Serving 301 or more Connections	\$1500.00
<b><u>Sewer Collections Systems</u></b> (Including Extensions) and Associated Appurtenances	
Forced mains including gravity sewer components	
Serving 50 or less Connections	\$800.00
Serving 51 to 300 Connections	\$1,300.00
Serving 301 or more Connections	\$1,800.00
<b>On-Site Wastewater Treatment Facilities*</b>	
Septic Tank Conventional Disposal Less than 3000 gal/day	\$550.00
Aerobic System with surface disposal	\$1,050.00
Composting Toilet less than 3000 gal/day	\$400.00

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Septic tank with one additional alternative element**	\$1050.00
Septic tank with >one additional alternative element**	\$1050 plus \$250 per additional element
On-site wastewater treatment facility with flow from 3000 gal./day to less than 24,000 gal./day	\$1,800.00
**These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.	
On-Site System Site Inspection	\$325.00
On-Site System Site Inspection & Domestic Well Approval	\$375.00
On-Site System Alteration Permit	\$75.00
On-Site System Alteration Permit & One Inspection	\$400.00
On-Site System Reconnect/Remodel Review	\$135.00
On-Site System Reconnect/Remodel Review & One Inspection	\$400.00
On-Site System Plan Revision	\$100.00
On-Site System Request for Alternate Design, Installation, or Operational Feature	\$75.00
On-Site System Design Requiring Interceptor	\$200.00/ per Interceptor
On-Site System Transfer Ownership	\$50.00
On-Site System Abandoned site	\$175.00

<b>Miscellaneous Fees</b>	<b>Sub-Type</b>	<b>Fee</b>
Delinquency Fees (Permits)		
<i>*To be charged when annual permit fee is delinquent</i>		
	Over 30 Days	\$30.00
	Over 60 Days	\$50.00
Duplicated Copy		.50/Sheet
Plan Reproduction		\$6.00/Sheet
VA, FHA, MHR, etc. Approval		\$30.00
All Others		\$30.00
Dye Test		\$120.00
Observe Percolation Test		\$150.00
Domestic Well Approval		\$65.00

**REGULATION 6.      Rejection of Application --Right to Hearing**

A person who has been denied a permit may within 15 days of notification thereof request a hearing before the Environmental Health Officer to show cause why a permit should be issued.

**REGULATION 7.      Suspension and Revocation of Permits**

a.      Suspension of Permit:

(1)      When the Environmental Health Officer finds that a permit holder or operator has failed to comply with a notice of violation of this Code or that there exists on the permitted premises such a severe and imminent health hazard as to require emergency action, and incorporates a finding to that effect in its order,

summary suspension of the permit may be ordered pending proceedings for revocation or other action.

(2) Upon suspension of the permit, the holder of the permit may immediately move to vacate the suspension order and the Environmental Health Officer shall hear such motion within five (5) days. In no event may a summary suspension remain in effect for more than twenty-five (25) days.

(3) Upon suspension of the permit, the premises will thereupon be posted closed. The closure sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.

b. Revocation of Permit:

(1) The Environmental Health Officer may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Code or for interference with the regulatory authority in the performance of duty.

(2) Prior to revocation, the Environmental Health Officer shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the twenty (20) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such twenty (20) day period, revocation of the permit becomes final. If a request for hearing is timely filed, the hearing shall be held within twenty (20) days of receipt of the request.

(3) Upon delivery of notice of permit revocation, the establishment will thereupon be posted with a warning sign noting that said establishment may not meet minimal health standards. This sign will be posted in a conspicuous place on the premises, clearly visible to the public, and will remain in place until removal is authorized by the Environmental Health Officer.

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(4) Service of Notices.

(a) A notice provided for in this Environmental Health Code is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified-mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority. The notice shall comply with the provisions of A.R.S. 41-1061.B.

(5) Hearings.

(a) Hearings held pursuant to the provisions of this article shall be conducted in accordance with the requirements of A.R.S. 41-1061 ET SEQ.

(6) Application after Revocation.

(a) Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

**REGULATION 8. Notice to Appear**

Peace officers and the Director, shall have the authority to issue a notice to appear under the same conditions and procedures as set for in A.R.S. 13-3903 for any violation of this Code (A.R.S. 36-191).

**REGULATION 9. Reserved**



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**REGULATION 10. Severability**

Should any section, sentence, clause, phrase or word of this Environmental Health Code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Code shall not be affected thereby.

**REGULATION 11. Violation**

a. Violations of this Environmental Health Code may be redressed by proceedings pursuant to A.R.S. 36-601.B., 49-142 or 49-143; by injunctive relief in Superior Court; or by any other applicable remedies provided by law. In addition, persons who violate a provision of this Environmental Health Code are guilty of a Class 3 Misdemeanor as provided in A.R.S. 36-183.02 and 36-191 and may be punished accordingly.

b. For purposes of determining the number of days of violation for which a civil penalty may be assessed under this Code, if the Environmental Officer has notified the source of the violation and makes a Prima Facie showing that the conduct or events giving rise to the violation are likely to have

~~R 2-1-95~~ continued or recurred past the date of notice, the days of violations shall be presumed to include the date of such notice and each day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

c. Notice under this section is accomplished by the issuance of a Cease and Desist Order or Permit Revocation or by filing a complaint in Superior Court.

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**REGULATION 12. Cease and Desist; Abatement**

When the Environmental Health Officer has reasonable cause to believe from information furnished to such officer or from investigation made by such officer that any person is maintaining a nuisance or engaging in any practice contrary to this code, he may forthwith serve upon such person by certified mail, in person, or by designee a Cease and Desist Order requiring the person, upon receipt of the order to cease and desist from such act. Within fifteen days after receipt of the order, the person to whom the order is directed may request a hearing. The Environmental Health Officer or his designee, within a reasonable time thereafter, shall hold a hearing, to determine whether the order is reasonable and just, and the practice engaged in is contrary to this code.

Upon the failure or refusal of a person to comply with the order of the Environmental Health Officer or if a person to whom the order is directed does not request a hearing and fails or refuses to comply with the Cease and Desist Order served under the provisions of this section, the Environmental Health Officer or his designee may file an action in the Maricopa County Superior Court restraining and enjoining the person from engaging in further acts. The court shall proceed as in other actions for injunctions.

**REGULATION 13. Posting of Notices of Violation**

The Environmental Health Officer may, for the purpose of notification to the public, post a warning sign at any premises or establishment describing the nature of legal action being taken against said premises or establishment under the provisions of the Environmental Health Code.

**REGULATION 14. Nuisance Abatement Assessment and Lien**

a. After the Department, acting through its employees, contractors or both has completed the actions necessary to abate or remove a nuisance or source of filth under

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- A.R.S. §36.602(A), the Director shall issue an Assessment Statement to the owner of the property on which such nuisance or source of filth was located.
- b. The Assessment Statement shall include the following information.
- (1) A description of the assessed costs, which shall include the actual costs of the removal or abatement, incidental costs, and the costs of any additional inspections;
  - (2) Notification that the property owner must pay the assessed costs within thirty days after receipt of the Assessment Statement or by such other date as may be specified for payment in the assessment statement unless an appeal is requested under Regulation 14.c. of this Chapter.
  - (3) Notification that the property owner may appeal the assessment to the Maricopa Board of Health in writing within thirty days after receipt of the Assessment Statement; and
  - (4) Notification that failure to pay the assessed costs may result in a lien being placed on the property on which the nuisance or source of filth was located.
- c. The property owner may appeal the assessment to the Board of Health by filing a written request for a hearing within thirty days after receipt of the Assessment Statement.
- (1) After a hearing, the Board of Health may sustain, modify or revoke the Assessment Statement.
  - (2) If the Board of Health sustains or modifies a cost assessment following an appeal of an Assessment Statement, the assessed costs must be paid within thirty days of the board of health's decision or by such other time as may be specifically provided by the Board of Health.
- d. If the property owner does not pay the assessed costs after the time for payment provided in Chapter 1, Regulation 14.b.(2). or 14.c.(2) has expired, the Director may assess the lots or tracts of land on which the nuisance was abated or removed.
- (1) The assessment, from the date of its recording in the office of the Maricopa County Recorder, is a lien on the lot or tract of land until paid.
  - (2) Any assessment recorded under this Regulation is prior and superior to all other liens, obligations or other encumbrances, except liens for general taxes and prior recorded mortgages.

R 4-3-02

**SETTLEMENT OF SOUTHWEST GAS CORPORATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the Arizona Attorney General to settle, on the county's behalf, Southwest Gas Corporation v. Arizona Department of Revenue, Maricopa County, et al. Nos. TX2001-000473; TX2002-000567; TX2003-000009; TX2003-000365; and TX2004-000998 (Consolidated). This item was discussed in Executive Session on June 19, 2006. (C1906049M00) (ADM413-001)

**STAFFING ANALYSIS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a sole source authorization for the Sheriff's Office to use Liebert & Associates (in association with Pulitzer/Bogard Associates) to provide a staffing analyses for the adult jails and Correctional Health Services. Approves the expenditure and transfer of \$350,000 from the FY 2006-07 Appropriated Fund Balance (480) Detention Fund (255) Contingency (4811) to FY 2006-07 Appropriated Fund Balance (480)

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Detention Fund (255) Other Detention Fund Programs (4812) in a new line item, "Jail and Detention Facilities Staffing Study," to cover the costs of the analysis, including travel. The project will not exceed \$350,000, including travel. The consultant will be provided with the county's travel policy which identifies maximum allowances for per diem reimbursement rates. Sole source procurement is justified for this project due to the need to have results for the 2007-08 budget development cycle. Liebert and Associates were part of the consultant team that prepared the original jail master plan and of the subsequent study in 2003. This firm has unique knowledge and information, which will expedite the analysis. (C5006072800) (ADM3400-003) (ADM3900-003)

**LAW ENFORCEMENT SERVICES FOR TOWN OF GILA BEND**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the intergovernmental agreement for law enforcement services between the Town of Gila Bend and Maricopa County so that the Sheriff's Office can provide law enforcement services at the level of .55 beats to the town. The FY 2006-07 costs for these services is \$311,841, payable in twelve monthly installments. The term of this agreement is July 1, 2006 through June 30, 2007. This agreement supersedes the current agreement C5005079200. (C5007001200)

**REVOLVING LINE OF CREDIT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt a resolution approving the form and authorizing the execution and delivery of a Revolving Line of Credit Agreement, in the amount of \$35,000,000, between Maricopa County and the Bank of America. This agreement is a required component of the conversion of banks from J.P. Morgan Chase to Bank of America, Bid Solicitation 05141-RFP approved on February 1, 2006. (C4306002100) (ADM4000)

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LINE OF CREDIT AGREEMENT BETWEEN MARICOPA COUNTY AND BANK OF AMERICA, N.A.; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF SEPARATE LINES OF CREDIT FOR EACH POLITICAL SUBDIVISION OF THIS STATE FOR WHICH THE COUNTY TREASURER ACTS AS TREASURER; RATIFYING ALL ACTIONS TAKEN TO DATE WITH RESPECT TO THE LINE OF CREDIT AGREEMENTS.**

**RECITALS**

**WHEREAS**, Maricopa County (the "*County*") through its Board of Supervisors (the "*Supervisors*"), acting as the Board of Deposit (the "*Board of Deposit*"), has heretofore ordered the receipt of bids for servicing bank for the County for the period commencing July 1, 2006 and ending June 30, 2009, with permitted extensions of two additional years pursuant to A.R.S. § 35-325; and

**WHEREAS**, included in the proposals for servicing bank were proposals for a line of credit for the County and each individual political subdivision of the state for which the County Treasurer acts as treasurer pursuant to A.R.S. § 11-604.01; and

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**WHEREAS**, the proposal of Bank of America, N.A. was announced as the best bid for services as servicing bank and the best bid to provide the County and political subdivisions of the state for which the County Treasurer acts as treasurer with lines of credit for the period commencing July 1, 2006 and ending June 30, 2009, with permitted extensions of not more than two additional years; and

**WHEREAS**, A.R.S. § 11-604.01 authorizes the Supervisors of a county to enter into line of credit agreements for the County and each individual subdivision of the state for which the County Treasurer acts as treasurer; and

**WHEREAS**, a draft of the Business Loan Agreement (Maricopa County Revolving Line of Credit) (the "*Agreement*") between the County and Bank of America, N.A. (the "*Bank*") pertaining to a line of credit for Maricopa County only, and not to be construed as the line of credit for other political subdivisions, has been placed on file with the Clerk of this Board and presented at the meeting at which this resolution was adopted; and

**WHEREAS**, a draft of the proposed Business Loan Agreement providing a line of credit for each qualifying political subdivision of this state for which the County Treasurer acts as treasurer has been provided by the Bank (the "*Draft Political Subdivision Agreements*" and when executed and delivered each a "*Political Subdivision Agreement*") and has also been placed on file with the Clerk of this Board and presented at the meeting at which this resolution was adopted; and

**WHEREAS**, by this resolution the Supervisors will authorize the execution and delivery of the Agreement and each Political Subdivision Agreement in substantially the forms so presented to the Board of Supervisors.

**NOW THEREFORE BE IT RESOLVED** by the Board of Supervisors of Maricopa County, Arizona, as follows:

- Section 1.** That the Agreement, in substantially the form on file with the Clerk is approved and the chairman of this Board and the Treasurer of the County are authorized and directed to execute and deliver the Agreement and the Promissory Note, as a part thereof, in substantially the form on file with the Clerk with such changes or omissions deemed necessary by those authorized to execute the Agreement.
- Section 2.** That Draft Political Subdivision Agreement, in substantially the form on file with the Clerk, is approved and the chairman of this Board and the Treasurer of the County are authorized and directed to execute and deliver a Political Subdivision Agreement in substantially the form of the Draft Political Subdivision Agreement on file with the Clerk for each qualifying political subdivision of the state for which the County Treasurer acts as treasurer.
- Section 3.** The County Treasurer is named as the County's agent for all purposes of the Agreement. The County Treasurer is authorized to take all acts and do all things on behalf of the County under the Agreement. The County Treasurer is named as each political subdivision's agent for all purposes of the Political Subdivision Agreements. The Treasurer is authorized to take all acts and do all things on behalf of each qualifying political subdivision of the state for which the County Treasurer acts as treasurer.

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**Section 4.** All actions taken by the Treasurer, and any person representing the Treasurer with respect to the Agreement and the draft Political Subdivision Agreement and the procedures pertaining thereto are hereby ratified and affirmed. This resolution shall become effective upon adoption and execution.

**PASSED AND ADOPTED** this 21st day of June 2006.

**RESOLUTION FOR THE CREATION OF DIVISION 94 OF THE SUPERIOR COURT**

Motion made by Supervisor Brock and seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve the resolution to the Governor of the State of Arizona for the creation of Division 94 of the Superior Court, with an effective date of July 3, 2006, pursuant to A.R.S. §12-121. The new division is funded within the FY 2006-07 budget, which was formally adopted on June 19, 2006. (C3806021700) (ADM1003)

**RESOLUTION**

**WHEREAS**, under and by virtue of the Constitution of Arizona, Article 6, Section 10, and Arizona Revised Statutes 12-121, Maricopa County, Arizona may have one (1) judge of the Superior Court for each 30,000 inhabitants, or major fraction thereof; and

**WHEREAS**, the 2000 United States Census estimated for Maricopa County 3,072,146 inhabitants and the Arizona Department of Economic Security has estimated that the total number of inhabitants in Maricopa County as of this date in 2006 is 3,764,446; and

**WHEREAS**, the current population count authorizes Maricopa County to have as many as one hundred twenty-five (125) judges of the Superior Court; and

**WHEREAS**, Maricopa County engaged a consultant to study the present and future needs of the County's service base and infrastructure and those findings recognize the need for more than 8 additional Judicial Position Equivalents (JPE) by 2006; and

**WHEREAS**, the addition of this new division will help to realize the strategic initiatives and mission of the County and Court through the earlier resolution of criminal cases and improved felony case processing;

**NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED** that the Governor of the State of Arizona is hereby requested to approve the creation of one (1) additional judgeship of the Superior Court in and for the County of Maricopa, State of Arizona; and

**BE IT FURTHER RESOLVED** that the creation of division 94 would be effective as of July 3, 2006; and

**BE IT FURTHER RESOLVED** that the Governor of the State of Arizona is hereby requested to appoint a suitable person to this position pursuant to the Constitution of Arizona, Article 6, Section 37.

**ADOPTED** at the regular meeting of the Board of Supervisors of Maricopa County, Arizona this 21<sup>st</sup> Day of June 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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**STUDENT LOAN REPAYMENT ASSISTANCE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County Student Loan Repayment Assistance Program pursuant to A.R.S. §11-251 and Maricopa County Employee Compensation Plan §II, to assist eligible attorneys working for Maricopa County in the repayment of education loans. The program will reimburse eligible attorneys for payments made on their student loans up to \$1,800 per quarter or \$7,200 per year. The program provides a maximum total benefit of \$50,400. (C5206006800) (ADM3308-004)

**PRODUCTION AND BROADCASTING OF INFORMATIONAL VIDEOS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Office of the Public Defender to apply for grant funding, and if awarded, approve acceptance of up to \$62,160 to allow for production and broadcasting of informational videos (both in English and Spanish) for educating and informing defendants about court processes and proceedings in Maricopa County. The indirect cost rate for the Office of the Public Defender for FY 2006-07 is 6.66%. Unrecoverable indirect costs associated with this grant are estimated at \$4,140. (C5206007300)

**DISPROPORTIONATE SHARE REVENUE AND SALES TAX WITHHOLDING**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an increase in the FY 2005-06 Health Care Mandates (390) General Fund (100) revenue and expenditures budgets of \$16,162,900 due to a mandated increase in the Disproportionate Share Revenue and Sales Tax Withholding, pursuant to State of Arizona FY 2006 Supplemental Appropriation (Laws 2006 Chapter 316). Approval of this action will require an appropriation adjustment increasing the Health Care Mandates (390) General Fund (100) revenue and expenditures budgets by \$16,162,900. Disproportionate Share payments are non-local revenues for purposes of the constitutional expenditure limitation, and therefore, expenditure of the funds are not constrained by the budget law because they are received from the federal government. The Arizona Constitution, Article 9, § 20(3)(d)(iv) provides that "local revenues" do not include "amounts received as grants and aid of any type received from the federal government or any of its agencies." This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C3906018200) (ADM4496) (ADM2104)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

**TRANSFER AND EXPENDITURE ADJUSTMENTS**

Pursuant to A.R.S. §42-17106B, Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve:

- o The transfer and expenditure of \$1,305,784 from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) Reserved Contingency Line Item "Long

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- Term Care Operating Subsidy” to line item “Health Plans Operating Subsidy” in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812),
- o The transfer and expenditure of \$1,570,525 from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) Reserved Contingency Line Item “Health Plan Subsidy” to line item “Health Plans Operating Subsidy” in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812), and
- o Fund transfers in the amount of \$2,876,309 from Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) line item “Health Plans Operating Subsidy” to Maricopa Managed Care Systems (600) Health Plan Fund (541) and Long Term Care Plan Fund (551). Approval of this action will require appropriation adjustments increasing the Maricopa Managed Care Systems (600) Health Plan Fund (541) and Long Term Care Plan Fund (551) revenue and expenditure budgets by \$2,876,309, with offsetting adjustments to Eliminations (Department 980, Fund 900). Appropriation allocation of \$2,876,309 between the Funds (541) and (551) will be decided at a later date.

These actions will have a countywide net impact of zero. (C4906065800) (ADM2100-003)

**AMOUNT AND DISTRIBUTION OF PROBATION SURCHARGE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt a resolution establishing the amount and distribution of the probation surcharge pursuant to A.R.S. Section 12-269 (Laws 2006, Second Regular Session, Chapter 261). (C4906066700) (ADM1005)

**RESOLUTION**

**ESTABLISHING THE RATE AND DISTRIBUTION  
OF PROBATION SURCHARGE FEES**

**WHEREAS**, A.R.S. §12-114.01 (A) (as amended by Laws of 2006, Chapter 261) establishes a probation surcharge of \$10 to be levied on every fine, penalty and forfeiture imposed and collected by the Superior, Justice and municipal courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for a violation of any local ordinance relating to the stopping, standing or operation of a vehicle, except parking violations, or for a violation of the game and fish statutes in title 17; and

**WHEREAS**, A.R.S. §12-114.01 (B) directs that probation surcharge collections be used to supplement monies currently used for the salaries of adult and juvenile probation and surveillance officers and for support of programs and services of the superior court adult and juvenile probation departments; and

**WHEREAS**, A.R.S. §12-269 (as enacted by Laws of 2006, Chapter 261) provides that, in lieu of the probation surcharge prescribed in A.R.S. §12-114.01, a county with a population of two million or more persons shall levy a probation surcharge in an amount determined by the county to be collected by Superior, Justice and all municipal courts within the county; and

**WHEREAS**, A.R.S. §12-269 (as enacted by Laws of 2006, Chapter 261) directs that probation surcharge monies collected shall be deposited in the Adult Probation Services Fund established by A.R.S. §12-267 or in the Juvenile Probation Services Fund established by A.R.S. §12-268 in such proportion as determined by the Board of Supervisors.

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**WHEREAS**, the Adult Probation Services Fund established by A.R.S. §12-267 is designated in Maricopa County as the "Adult Probation Fees Fund (Fund 201)" and the Juvenile Probation Services Fund established by A.R.S. §12-268 is designated as the "Juvenile Probation Special Fee Fund (Fund 228)" in Maricopa County; and,

**WHEREAS**, it is in the public interest that probation surcharge rates remain consistent in all counties throughout the State of Arizona.

**NOW THEREFORE**, be it resolved that:

1. The probation surcharge is \$10 within Maricopa County.
2. The Board of Supervisors requests that, on the effective date of Chapter 261, Laws of 2006, the Presiding Judge of the Superior Court in and for Maricopa County and the Presiding Judge of the Justice Courts of Maricopa County direct the Superior Court, Justice Courts, and all municipal courts within Maricopa County to collect the probation surcharge and transmit the proceeds to the Maricopa County Treasurer.
3. Revenue collected from the probation surcharge be apportioned in equal amounts to the Adult Probation Fees Fund (Fund 201) and to the Juvenile Probation Special Fee Fund (Fund 228).

**DATED** the 21<sup>st</sup> day of June 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**DEFERRED COMPENSATION PROGRAM**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in the amount of \$50,000 from FY 2005-06 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to a new line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Executive Compensation – Deferred Comp." These funds will be utilized by departments that cannot absorb the employer deferred compensation contributions that were provided through the executive compensation program. (C4906067800) (ADM3308-002)

**PHYSICAL ACTIVITY PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to retroactively approve Amendment No. 4 to the intergovernmental agreement (IGA), Public Health Physical Activity Plan (C8603096204) from Arizona Department of Health Services (ADHS) to Maricopa County Department of Public Health. This grant was previously approved on the 2006 Letter of Intent (C86060433LI Item No.7) in the amount of \$150,000. This amendment increases this amount by \$10,000. The Cardiovascular Disease Education program provides education and motivation to residents of Maricopa County to increase physical activity levels now, and throughout their lives. The two main program components are the Promoting Lifetime Activity for Youth program and the WELL Arizona program. The term of the contract is April 1, 2006 to March 31, 2007. The Public Health Department's indirect rate is 16.67%. Grant indirect costs are reimbursable at a rate of 10% per the requirements of



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ADHS. Full indirect costs are estimated at \$1,515, of which \$909 is recoverable and \$606 is unrecoverable. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in the amount of \$10,000. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603096204)

**TOBACCO USE PREVENTION PROGRAM GRANT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to retroactively approve Amendment No. 1 to the Tobacco Use Prevention Program Grant (C86059033) from American Legacy Foundation. This grant was originally approved by the Board of Supervisors on April 20, 2005 for \$100,000, for the term of March 1, 2005 through February 28, 2007 (FY 2005-06 through FY 2006-07). It was subsequently approved on the department's calendar year 2006 and FY 2006-07 Letter of Intent (C86060433LI, Item No. 9) for \$29,944 under C86059033. The amendment will increase the FY 2006-07 budgeted amount for this grant by \$248.50, from \$29,944.19 to not-to-exceed \$30,192.69 for the term of March 1, 2006 through February 28, 2007. These funds are passed through to a community-based organization for the purpose of providing tobacco use education and prevention to the African-American community. This entire grant is pass-through funding, therefore, no indirect monies exist. The Public Health Department's indirect rate is 16.67%. Grant indirect costs are reimbursable at a rate of 0%. Full indirect costs are estimated at \$41.42, of which \$0 is recoverable and \$41.42 is unrecoverable. Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the grant in the amount of \$248.50. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8605903301)

**DENTAL SERVICES FOR HOMELESS INDIVIDUALS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the contract for Maricopa County Health Care for the Homeless with Central Arizona Shelter Services, Inc., for the provision of dental services to homeless individuals. The contract dollar amount is \$50,000 and is from November 1, 2006 to October 31, 2007. (C8606064100)

**HIV/AIDS SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to retroactively approve a non-financial Memorandum of Understanding between the Maricopa County Department of Public Health, HIV/HCV Infection Control and Surveillance, and Body Positive for the out-stationing of Maricopa County Department of Public Health personnel to provide HIV counseling, testing, partner elicitation and information and referral services in a room provided, rent-free, at Body Positive's Central Phoenix Office, co-located with Maricopa Integrated Health Systems' McDowell Clinic, the County's HIV Specialty clinic. This agreement will be in effect from May 1, 2006 to April 30, 2008, and is renewable for an additional two years. (C8606074100)

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**CLINICAL PEDIATRIC DIETETIC EXPERIENCE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and the Chandler Unified School District, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial and the term is from July 1, 2006 through June 30, 2011. (C8607001000)

**EARLY HEAD START AND HEAD START SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following:

- a. An amendment to the financial intergovernmental agreement (IGA) between the City of Tempe – Parks and Recreation Department and Maricopa County's Human Services Department for the provision of Early Head Start Services in Tempe. This amendment adds a new Section 28 that states Maricopa County will reimburse the City of Tempe up to a maximum of \$30,000, for the costs of developing an infant/toddler playground at the Westside Multi-Generational Center in Tempe, 715 W. 5th Street, Tempe, AZ. The City of Tempe has agreed to provide Maricopa County with a second classroom at this facility to open an Early Head Start classroom for eight infants and toddlers. Maricopa County currently operates a Head Start classroom at this center. This IGA is effective April 10, 2001 through June 30, 2010. Funding for this agreement is provided by the U.S. Department of Health and Human Services. This IGA does not include any county general funds. (C2201132201)
- b. Amendment No. 6 to the intergovernmental agreement with the East Valley Institute of Technology to provide the Maricopa County Human Services Department with Head Start classroom facilities and playground at 1601 W. Main, Mesa, Arizona. The purpose of this action is to correct an error made on Agenda C2202064204 which listed the amendment as "non-financial" when; in fact, there is a contract value of \$15,000 in payment for the rent of the facility. Funding is provided by the U.S. Department of Health and Human Services and no county funding is included. This amendment does not change the term of the contract which remains July 1, 2005, through June 30, 2006. (C2202064206)
- c. Amendment No. 1 to the non-financial agreement between Queen Creek Unified School District #80 and Maricopa County's Human Services Department that expires June 30, 2007. This amendment will be effective July 1, 2006, and removes Section IV, Family Literacy, and Section V, Facilities. Maricopa County is closing its Head Start classroom at Queen Creek due to lack of demand for services by Head Start eligible children. (C2205026201)
- d. Amendment No. 1 to the non-financial intergovernmental agreement between Mesa Unified School District and Maricopa County's Human Services Department that expires June 30, 2008. This amendment will be effective July 1, 2006, and modifies the school sites that Mesa School District provides Maricopa County for the Head Start program. (C2206089201)

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- e. A financial lease agreement between the City of Tempe – Social Services and Maricopa County's Human Services Department for the provision of Head Start and Early Head Start services in north Tempe. The City of Tempe will provide two classrooms and a playground at the North Tempe Multi-Generational Center, located at 1555 N. Bridalwreath, Tempe, AZ. In consideration for the use of the facilities and playground, the Maricopa County Human Services Department Head Start agrees to reimburse the City of Tempe \$75,000, during FY 2005-06 for the development of the playground, and \$1 per year for the use of the classrooms after that. This lease is effective July 1, 2006 through June 30, 2016. Funding for this agreement is provided by the U.S. Department of Health and Human Services. This contract does not include any county general funds. (C2207068400)

### **COMMUNITY ACTION PROGRAMS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendments No. 2 with the following entities to exercise option year two of two one-year options to renew for the continued operation of the Community Action Program for the delivery of various community and emergency services for low-income Maricopa County residents. Programs and services will be targeted to meet the goals of securing and maintaining employment, securing adequate education, better income management, securing adequate housing, providing emergency services, improving nutrition, creating linkages among anti-poverty programs, and achieving self-sufficiency. The term of the intergovernmental agreement renewal will be July 1, 2006 to June 30, 2007. Approval is contingent upon the final approval of the county's FY 2006-07 budget and the receipt of a fully-executed agreement with the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue this program beyond the term of the amendment. Service levels are contingent upon the availability of funding.

- a. **City of Avondale for Community and Emergency Services** – The one-year contract amount is not-to-exceed the amount of \$125,757. The funding is being provided by the Arizona Department of Economic Security (\$89,626) and Maricopa County (\$36,131). (C2205033202)
- b. **Town of Buckeye for the Gila Bend Community Action Program** – The one-year contract amount is not-to-exceed the amount of \$94,105. The funding is being provided by the Arizona Department of Economic Security (\$62,793) and Maricopa County (\$31,312). (C2205034202)
- c. **City of El Mirage for the El Mirage Community Action Programs** – The one-year contract amount is not-to-exceed the amount of \$112,745. The funding is being provided by the Arizona Department of Economic Security (\$78,042) and Maricopa County (\$34,703). (C2205035202)
- d. **City of Glendale for the Glendale Community Action Programs** – The one-year contract amount is not-to-exceed the amount of \$301,699. The funding is being provided by the Arizona Department of Economic Security (\$248,593) and Maricopa County (\$53,106). (C2205037202)

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**EMERGENCY SHELTER GRANT PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendments No. 2 to the following contracts for a not-to-exceed amount of \$27,000 each. These amendments exercise option year two (of two one-year options) to renew the contracts for an additional 12-month period. The new period of performance is from July 1, 2006 to June 30, 2007. The funds are provided to Maricopa County on a formula based allocation by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. These entities will utilize the funds to help support operating expenses in compliance with the requirements of the ESG program. Continued funding is contingent upon the availability of funds from HUD. The contracts do not include any county general funds.

- a. Save the Family Foundation of Arizona (C2205082102)
- b. Catholic Charities Community Services (formerly known as Catholic Social Services) (C2205083102)
- c. New Life Center (C2205084102)

**HOME WEATHERIZATION AND REPAIR**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 5 to the contract with Foundation for Senior Adult Living, Inc., a non-profit organization, for a one-year renewal. The amendment will provide funding in the amount of \$669,311, for the operation of the low-income home weatherization and repair and/or replacement of utility related appliances and heating/cooling systems. Program funding resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, Arizona Department of Commerce/Energy Office and the Arizona Department of Economic Security. There is no long term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There are no county general funds involved in this contract. Funding is contingent upon the receipt of fully-executed funding agreements between Maricopa County and the Arizona Department of Economic Security, the Arizona Department of Commerce/Energy Office and Arizona Public Service. The period of performance for this amendment is July 1, 2006 to June 30, 2007. (C2205085105)

**WIA SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendments No. 1 to exercise option year one of three one-year options to renew the following contracts for the provision of WIA services and to lead workshops and provide training to participants utilizing an established curriculum. The term of the contract amendments is July 1, 2006 to June 30, 2007. These contracts do not contain any county general funds

- a. **Interface Technical Training, Inc.** – Amendment No. 1 increases the total contract funding by \$10,000 from \$25,000 to \$35,000. (C2205150101)
- b. **Leathers, Milligan & Associates, Inc.** – Amendment No. 1 increases the total contract funding by \$25,000 from \$50,000 to \$75,000. (C2205151101)

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**CANCELED CONTRACT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to cancel Agenda Item C22061451 with Just for You Transportation Services. After submitting a successful proposal in response to a Request for Proposal, the contractor declined to sign the contract. As a result, no business has been conducted with the contractor, and this agenda item needs to be closed out. (C2206145101)

**WORKFORCE INVESTMENT ACT YOUTH SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following contracts for services to provide Workforce Investment Act (WIA) youth services and activities. Funding for these contracts is federal WIA funding provided to Maricopa County by the Arizona Department of Economic Security. These contracts do not contain any county general funds. These contracts are effective on July 1, 2006, and will terminate on June 30, 2007.

- a. Contract with Goodwill Industries of Central Arizona, Inc. in the amount of \$471,942, to provide youth services and activities to Northern Area Special Population In-School and Southeastern Area In-School and Out-of-School Youth Services. Goodwill Industries of Central Arizona is to serve 36 in-school youth in special education who reside in the northern communities of El Mirage, Glendale, Peoria, Scottsdale, Surprise, and the balance of the area. Additionally, Goodwill Industries of Central Arizona will also serve 47 in-school youth and 111 out-of-school youth who reside in the southeastern communities of Ahwatukee, Chandler, Gilbert, Guadalupe, Mesa, Queen Creek, and Tempe. (C2207072100)
- b. Contract with Arizona Call-A-Teen in the amount of \$520,600, to provide youth services and activities to the Northern and Southwestern Areas In-School and Out-of-School Youth. The contractor will serve 24 in-school youth and 84 out-of-school youth, who reside in the southwestern communities of Avondale, Buckeye, Goodyear, Tolleson, and the balance of the area. Arizona Call-A-Teen to also serve 40 in-school youth and 66 out-of-school youth who reside in the northern communities of El Mirage, Glendale, Peoria, Scottsdale, Surprise, and the balance of the area. (C2207073100)

**EMERGENCY SHELTER AND COMPREHENSIVE SUPPORTIVE SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to award a contract to Central Arizona Shelter Services in the amount of \$225,000 to provide emergency shelter and comprehensive supportive services for homeless individuals and families during FY 2006-07. The agreement will be effective on July 1, 2006, and shall terminate on June 30, 2007. (C2207086100)

**SUPPORTIVE SERVICES FOR ELDERLY INDIVIDUALS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to award a contract to Sun Health/Olive Branch Senior Center in the amount of \$20,000, to support the provision of a comprehensive array of supportive services to elderly individuals during FY 2006-07. This agreement will be effective on July 1, 2006, and will terminate on June 30, 2007. (C2207087100)

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**ARIZONA KARTING ASSOCIATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Arizona Karting Association's Special Use Agreement clarifying language in the original agreement and exercising the first five-year renewal option to become effective April 6, 2007 through April 5, 2017, for use as a Kart Race Track in Adobe Dam Regional Park. There is one five-year renewal option remaining. There is no financial impact to the county. (C3002047B02)

**MAINTENANCE AND DEVELOPMENT OF PARK'S TRAIL SYSTEM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and execute a cooperative agreement between Maricopa County and Southwest Conservation Corps, a non-profit Corporation, to enhance the development and maintenance of the Maricopa County Park's Trail Systems. The term of the agreement is effective upon Board of Supervisors' approval and continues for three years with an option to renew for up to three years. (C3006035000)

**MCDOWELL TRACK COMFORT STATION**

Pursuant to A.R.S. §42-17106(b), in the FY 2006-07 budget, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a decrease in expenditure appropriation of \$80,000 in General Government (470) General Government Grant Fund (249) General Government Grants (4711) and an increase in expenditure appropriation of \$80,000 in the Parks and Recreation (300) Enhancement Fund (241). Approve the transfer of \$80,000 from the Parks and Recreation (300) Enhancement Fund (241) to the Appropriated Fund Balance (480) Intergovernmental Capital Projects Fund (422) Parks Capital Projects Org (4833) project line entitled "McDowell Track Comfort Station". Approve an increase in revenue and expenditure appropriations of \$80,000 each in Department (480), Fund (422). This transfer of funds will allow the Parks and Recreation Department to utilize \$80,000 of fund balance in the FY 2006-07 Enhancement Fund. This transaction will require offsetting revenue and expenditure eliminations in Fund (900), Dept (980) for a countywide impact of zero. (C3006036800) (ADM3200-003)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**TRANSFER AND CONVEYANCES OF SPECIFIC REAL PROPERTY - CONTINUED**

Item: Approve the transfer and conveyances of specific real property, designated as flood control drainage channels located within Sun City and Sun City West subdivisions, to the Flood Control District of Maricopa County and authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the transfer and conveyance. PURSUANT TO A.R.S. §11-251.9, THIS ITEM REQUIRES A UNANIMOUS ROLL CALL VOTE. (Flood Control District Agenda Item Control Number C6906083600). (C1806048000) (ADM812)

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The Clerk advised that this item should be continued until a full Board was present to participate in the unanimous roll call vote. (Clerk's Note: This item was on the July 12, 2006 agenda.)

**CHAMBERS BUILDING PURCHASE**

Pursuant to ARS 47-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the transfer of expenditure authority in the amount of \$10,600,000 from General Fund (100) Appropriated Fund Balance (480) Reserved Contingency line item "Property Acquisition" (4811) to a new line item in General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) entitled "Purchase of Chambers Building." Also approves a Purchase Agreement with Telecom Center Phoenix, LLC for the purchase of the former Chambers Building located at 301 S. 4th Avenue in Phoenix. The purchase price is \$10,500,000, and includes a required earnest money deposit of \$315,000. In addition to the purchase price, the county will be responsible for its share of closing costs and various transfer costs not to exceed \$100,000. Maricopa County may have up to a 30-day due diligence period during which time any earnest money deposited into escrow is refundable in the event the county decides to cancel the purchase. Upon expiration of the due diligence period, the earnest money will become non-refundable and the county will be obligated to complete the transaction and close escrow within 30 days. (C1806049100) (ADM811-013)

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Awarded:**

- 05063-RFP      Behavioral Health and Employee Assistance Services** (\$6,000,000 estimate/three years with three one-year renewal options). Contract to provide behavioral health and employee assistance services to county employees and their dependants as required.
- o      Magellan Health Services
- 05205-C      Tires, Off-Highway, Off-Site Road Service** (\$450,000 estimate/three years with three one-year renewal options). Price agreement to purchase off-highway tires and off-site road assistance.
- o      GCR Tire Center
  - o      Purcell Tire Company
- 05211-C      Police and First Aid/Safety Equipment and Supplies** (\$2,000,000 estimate/three years with three one-year renewal options). Price agreement for police/law enforcement and first aid/safety supplies for various county agencies.
- o      Arizona Glove & Safety
  - o      Armor Forensics
  - o      Benchmark Industrial Supply
  - o      Bob Barker Company, Inc.
  - o      Chaos Supplies, Inc.
  - o      Construction Tool & Supply

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- o Fisher Scientific
- o Galls
- o Grainger
- o Kaufman's West, LLC
- o Leslee Scott, Inc.
- o Tactical & Survival Spec., Inc.
- o Tri-Tech, Inc.
- o Universal Police Supply Co.

**06026-C Automotive Parts and Service** (\$2,400,000 estimate/three years with three one-year renewal options). Price agreement to provide automotive parts and maintenance services for county vehicles as requested by the Equipment Services Department.

- o Arizona Brake & Clutch Supply
- o Berge Ford
- o C.W. Carter Co.
- o Courtesy Chevrolet
- o Earnhardt Dodge
- o Five Star Ford – Parts
- o Fleetpride
- o Phillips Transmissions
- o Napa Auto Parts – Phoenix
- o Performance Plus
- o Power Chevrolet Camelback
- o Turbo Electric Sales & Svc
- o USD, Inc.

**06028-S Vehicle Rental** (\$2,245,000 estimate/three years with three one-year renewal options). Price agreement used primarily by the Sheriff's Office for vehicle rental. These rental vehicles are to be used for undercover assignments necessitating immediate replacement if they are compromised.

- o Fox Rac C/O Courtesy Leasing

**Renewals/Extensions:**

**Renewal/extension of the following contracts.** (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until June 30, 2007**

**02008-C Inmate Canteen Personal Care and Hygiene Items** (\$650,000 estimate/one year) Pricing agreement for personal care and hygiene items for the Sheriff's Office Inmate Canteen. These items are purchased for resale to the inmates.

- o Amercare Products, Inc.
- o American Amenities, Inc.
- o Bob Barker Company, Inc.
- o Capital Enterprise, Inc.
- o Crawford Supply Company



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- o Food Express USA
- o ICS
- o Securitas, Inc.
- o Village Distributors
- o Jenny Service Company

**Increase in the price agreement amount for the following contracts.** This request is due to an increased usage by county departments.

**03117-S Moving Services** (\$30,000 increase). Increase price agreement from \$335,000 to \$365,000. This \$30,000 increase is requested by the Facilities Management Department to provide using agencies with moving services through the initial agreement term. This agreement was initially approved on September 24, 2003, and subsequently increased by the Board to \$335,000 on August 24, 2005. This agreement has an expiration date of September 30, 2006.

- o ABC Moving, Inc.

**03199-RFP Cognitive Restructuring Groups – Maricopa County Sheriff's Office** (\$400,000 increase). Increase contract value from \$300,000 to \$700,000. This \$400,000 increase is requested by the Maricopa County Sheriff's Office to expand the Alpha Program to treat seriously mentally ill inmates. The original agreement was approved by the Board of Supervisors on February 4, 2004, and has an expiration date of February 28, 2007.

- o Concepts for Change, Inc.
- o Sage Counseling, Inc.

**03211-RFP Facilities Management Department Benchmark and Staffing Studies** (\$100,000 increase). Increase contract value from \$223,380 to \$323,380. This \$100,000 increase is requested by Facilities Management for further staffing analysis, bench marking and other services. This contract was initially approved by the Board of Supervisors on March 17, 2004, in the amount of \$200,000 and subsequently increased by \$3,380 on September 22, 2005, and by \$20,000 on May 25, 2006 by the Materials Management Director. Contract expiration date is March 31, 2007.

- o FM Solutions, Inc.

**05017-RFP Inmate Crisis Counseling – Maricopa County Sheriff's Office** (\$375,000 increase). Increase contract value from \$170,000 to \$545,000. This \$375,000 increase is requested by Maricopa County Sheriff's Office as the result of the expansion of the Alpha Program to treat seriously mentally ill inmates. The original agreement was approved by the Board of Supervisors on May 19, 2005, and has an expiration date of May 31, 2009.

- o Concepts for Change, Inc.
- o Cummings & Associates, Inc.
- o Sage Counseling, Inc.

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**CAPA**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Correctional Health Services**

Becki McGlynn

**Facilities Management**

Angelita Lee  
Dan Springate  
Norma Vega

**Human Services**

Lee Renninger

**Equipment Services**

Gary Gorraiz  
William Tyger

**MCDOT**

Shelvia Blair  
Sandra Mercier

**LEASE AMENDMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to agenda item C3404001400, dated January 21, 2004, which approved Lease No. L7284 with CSFB 1998-FL2 West Monroe Office, LLC, an Arizona limited liability company, for 8,325 square feet of office space at 111 W. Monroe, Suite 500. Maricopa County has been notified that the building for the subject lease has been sold to HB-Monroe Owner, LLC. The lessor is the only change to the lease agreement all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C3404001401)

**SETTLEMENT OF ARMSTRONG V. MARICOPA COUNTY**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of Robert Armstrong v. Maricopa County Attorney's Office and Maricopa County Sheriff's Office, CV2005-007537. This item was discussed in Executive Session on June 19, 2006. (C7506021100) (ADM409)

**EXPENDITURE AUTHORITY FOR CLAIMS AND LEGAL COSTS**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in the amount of \$2,132,019 from FY 2005-06 General Government (470) General Government Grants Fund (249) Compensation Reserve (4711) to Risk Management (750) Risk Management Fund (675). This action requires an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) General Government Grant Fund (249) Compensation Reserve (4711) expenditure budget by \$2,132,019 and increasing the FY 2005-06 Risk Management (750) Risk Management Fund (675) expenditure budget by \$2,132,019. These adjustments will result in a countywide net financial impact of zero. (C7506022800) (ADM3700-003)

**COMPROMISE AND SETTLEMENT OF CLAIM**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the compromise and settlement of claim by Darrel Marr. The settlement agreement is on file

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in the Clerk of the Board's Office. This matter was discussed in Executive Session on June 19, 2006. (C7006043M00) (ADM409V)

**SOUTHEAST REGIONAL JUSTICE CENTER**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the following:

- a. The execution of Contract No. FMD-06-022 with Arrington Watkins Architects of Phoenix, Arizona, in the amount of \$2,603,718. This contract is to provide design services for Maricopa County Southeast Regional Justice Center and Parking Facility. (C7006044500)
- b. The execution of Contract No. FMD-06-039, with Holder Construction Company of Phoenix, Arizona in the amount of \$573,000. This contract is to provide Maricopa County Southeast Justice Center (Project No. 2827-05-063) Design Phase Services. Prior to construction, Holder Construction Company will be required by the county to provide a guaranteed maximum price (GMP) for construction of the Southeast Justice Center. The GMP construction phase of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. (C7006047500)

**MARICOPA COUNTY ANIMAL CARE AND CONTROL FULL SERVICE FACILITY**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the following:

- a. The execution of Contract No. FMD-06-026, with DLR Group of Phoenix, Arizona in the amount of \$978,790. This contract is to provide Maricopa County Animal Care and Control Full Service Facility (Project No. 1417-06-229) architectural and related services. (C7006045500)
- b. The execution of Contract No. FMD-06-032, with Austin Commercial, L.P. of Phoenix, Arizona in the amount of \$250,364. This contract is to provide Maricopa County Animal Care and Control Full Service Facility (Project No. 1417-06-229) design phase services. Prior to construction, Austin Commercial, L.P. will be required by the county to provide a guaranteed maximum price (GMP) for construction of the Animal Care and Control Full Service Facility. The GMP construction phase of the contract will be presented to the Board of Supervisors for approval prior to start of construction. (C7006046500)

**FUNDING FOR DRAINAGE PLAN REVIEW SERVICES**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between General Government (470) General Government Grant Fund (249) General Government Grants (4711) and Planning & Development Department (440) Planning & Development Fees Fund (226). This funding request for drainage plan review services is one-time in nature and includes:

- o Not-to-exceed \$870,000 for three contract review specialists/consultants

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- o Not-to-exceed \$80,000 for the use of Flood Control District Staff to assist in drainage review

This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) General Government Grants (4711) by \$950,000 and increasing the FY 2006-07 Planning & Development Department (440) Planning & Development Fees Fund (226) by \$950,000. Approval of this action will allow the Department to cut back-log and improve its timeliness of performing drainage plan reviews and issuing associated development permits/certificates. (C4406024000) (ADM3400-003)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

A138.003B                      Project No.: TT102 - Williamsfield & Higley - Agreement for Right of Entry -  
(CS)                              Parcel No.: 304-40-009B - Roosevelt Water Conservation District - for the sum of  
\$100.00.

A322.012                      Project No.: TT171 - MC 85 Extension (State Route 85 to Turner Road) -  
(RES)                              Warranty Deed - Parcel No.: 401-08-006D - Farmers Gin, Inc., an Arizona  
Corporation - for the sum of \$73,477.00.

A322.012                      Project No.: TT171 - MC 85 Extension (State Route 85 to Turner Road) -  
(RES)                              Temporary Construction Easement and Agreement for Highway Purposes -  
Parcel No.: 401-08-006D - Farmers Gin, Inc., an Arizona Corporation - for the  
sum of \$1,507.00.

A322.012                      Project No.: TT171 - MC 85 Extension (State Route 85 to Turner Road) -  
(RES)                              Purchase Agreement and Escrow Instructions - Parcel No.: 401-08-006D -  
Farmers Gin, Inc., an Arizona Corporation.

A339.020                      Project No.: TT233 - Camino Del Sol and Spanish Garden - Agreement for Right  
(DLK)                              of Entry - Parcel No.: 232-03-804A - JNG Holdings, L.L.C., an Arizona limited  
liability company – for the sum of \$500.00.

A339.057                      Project No.: TT218 - Waddell Road @ SR303 Loop - Special Warranty Deed -  
(LJS)                              Parcel No.: 501-12-018 - Suburban Land Reserve, Inc., a Utah corporation - for  
the sum of \$64,675.00.

A339.057                      Project No.: TT218 - Waddell Road @ SR303 Loop - Special Purchase  
(LJS)                              Agreement and Escrow Instructions - Parcel No.: 501-12-018 - Suburban Land  
Reserve, Inc., a Utah corporation.

A339.058                      Project No.: TT218 - Waddell Road @ SR303 Loop - Special Warranty Deed -  
(LJS)                              Parcel No.: 501-12-016 - Suburban Land Reserve, Inc., a Utah corporation - for  
the sum of \$28,700.00.

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- A339.058  
(LJS) Project No.: TT218 - Waddell Road @ SR303 Loop - Special Purchase Agreement and Escrow Instructions - Parcel No.: 501-12-016 - Suburban Land Reserve, Inc., a Utah corporation.
- A342  
(DLK) Project No.: TT012 (Hawes Road & Hunt Highway) - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-90-426B - Ed and Martha Lopez - for the sum of \$100.00.
- A342  
(DLK) Project No.: TT012 (Hawes Road & Hunt Highway) - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-91-595A - George C. and Kay J. Gerken - for the sum of \$100.00.
- A342  
(DLK) Project No.: TT012 (Hawes Road & Hunt Highway) - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-90-425D - Mark A. and Laura A. Seymore - for the sum of \$100.00.
- A342  
(DLK) Project No.: TT012 (Hawes Road & Hunt Highway) - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-90-067B - Vernon R. Novak - for the sum of \$100.00.
- K-76-A  
(DLK) Project No.: TT003 - 114th Street and Weir Road - Warranty Deed - Parcel No.: 220-77-004B, 007J - Valley Baptist Church, an Arizona Corporation - for the sum of \$73,453.00.
- K-76-A  
(DLK) Project No.: TT003 - 114th Street and Weir Road - Purchase Agreement and Escrow Instructions - Parcel No.: 220-77-004B, 007J - Valley Baptist Church, an Arizona Corporation.
- K-76-A  
(DLK) Project No.: TT003 - 114th Street and Weir Road - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 220-77-004B, 007J - Valley Baptist Church, an Arizona Corporation - for the sum of \$10.00.

**LOOP 303 AND/OR ESTRELLA ROADWAY**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 3 to the intergovernmental agreement between the State of Arizona, acting through the Arizona Department of Transportation, and Maricopa County Department of Transportation. The purpose of this amendment is that the State wishes to exercise their right to fully operate, maintain and construct Loop 303 and/or Estrella Roadway effective June 30th, 2006, and will recommend reimbursement to the county, for the difference in the advanced right-of-way required to accommodate future traffic interchanges as referenced in the agreement that was executed on July 31, 2000, Section II 1.g. (Supervisorial Districts 4 and 5) (C6400261204)

**MINIMUM ROAD AND BRIDGE SYSTEM CONDITION LEVELS**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to amend action of April 6, 2005 (C6402262501), to establish county policy for minimum road and bridge system condition levels per the requirement of the Governmental Accounting Standards Board Statement No. 34 using the modified approach of accounting. Amend the policy as follows:

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- o **Road system** – 75% of road-miles with Pavement Condition Rating (PCR)>70 and no more than 5% of road-miles with PCR<55.
- o **Bridge system** – 90% of bridges with a >=70 sufficiency rating and no more than 3% of bridges with a <50 sufficiency rating. (C6402262502) (ADM2019)

#### **SIGNAL MODERNIZATION**

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the low bid of \$649,687, reflecting an increase of 12% over engineer's estimate, from AJP Electric, Inc. for Signal Modernization in Sun City, Project No.T236, Contract No. 2006-028. Review of received bids indicated higher than expected copper wire costs. The project budget for FY 2006-07 will be adjusted next fiscal year after the budget is adopted. Approval of this agenda item is contingent upon the Board of Supervisors approving the recommended FY 2006-07 budget. (C6406191501)

#### **ACQUISITION OF BASIN SITE - 89TH AVENUE AND WILLIAMS ROAD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a resolution authorizing the acquisition of a basin site located at the northeast corner of 89th Avenue and Williams Road. Approval of this agenda item is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. (C6406259000) (ADM2005) (ADM1900)

#### **ADMINISTRATIVE CORRECTION**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an administrative correction to item C6497230507 (approved April 19, 2006), to correct the contract performance period with Earth Tech Inc., for Phase II of the Ellsworth Road Project T062, to be extended through November 13, 2006. (C6406267800)

#### **7TH STREET: CAREFREE HIGHWAY TO DESERT HILLS DRIVE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the award of Consultant Services Contract No. 2005-057 with Premier Engineering Corporation for a total sum amount of \$1,279,075.00 for project design services on 7th Street: Carefree Highway to Desert Hills Drive, Project No. T177. The contract price includes a lump sum of \$1,000,493.05 for essential tasks and \$278,581.95 for optional task allowances for: Value Engineering (\$41,805.77); Traffic Signal Design (\$54,721.65); Structural Design & Analysis (\$51,684.31) and Post Design (\$130,370.22). The contract performance period is 600 calendar days after Notice to Proceed is issued. Approval of this agenda item is contingent upon the Board of Supervisors adopting of the recommended FY 2006-07 budget. (C6406277500)

#### **GILBERT ROAD: MCDOWELL TO SR-87**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve reimbursement and acceptance of SRP's Design and Construction Agreement KE6-90112 for costs incurred in the relocation of their facilities that are in conflict with Maricopa County Department of Transportation, Project Number T081 (68957), Gilbert Road: McDowell to SR-87 w/LWC. The cost may not exceed the current estimate of \$13,344 by more than 10%. (C6406278100)

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**40TH STREET AND DYNAMITE ROAD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the intergovernmental agreement between Maricopa County and the City of Phoenix for improvements to 40th Street and Dynamite Road. The city will act as the lead agency, with the county contributing \$40,000, as their total contribution to the project. Approval of this agenda item is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. Funds are available in Project T002 - Project Reserve Account. (C6406279200)

**PROJECT ADDITIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of the following projects and corresponding expenditure budget to the Department of Transportation's FY 2006-07 TIP (CIP) budget (Year 1), Department (640), Fund (234):

<b>Project Number</b>	<b>Project</b>	<b>Budget</b>
T207	Meeker at Trail Ridge/Aleppo	\$470,000
T255	Northern Avenue at Reems Road	\$250,000
T256	Northern Avenue at El Mirage Road	\$250,000
T257	Olive Avenue at 114th Avenue	\$250,000
T258	Del Webb Boulevard at 99th Avenue	\$250,000
T259	Traffic Signal Improvement No. 1	\$10,000
T260	Traffic Signal Improvement No. 2	\$10,000
T261	Traffic Signal Improvement No. 3	\$10,000
T262	Traffic Signal Improvement No. 4	\$10,000
T263	Traffic Signal Improvement No. 5	\$10,000
T264	Traffic Signal Improvement No. 6	\$10,000
T265	Traffic Signal Improvement No. 7	\$10,000
T266	Traffic Signal Improvement No. 8	\$10,000
T267	Traffic Signal Improvement No. 9	\$10,000
T268	Traffic Signal Improvement No. 10	\$10,000

Also approves an amendment to the current FY 2007-11 five-year CIP for Fund (231) – Transportation Capital Projects Fund by decreasing the FY 2006-07 (Year 1) capital budget for Project No. T004, Warranted Traffic Improvement, with a capital budget of \$1,570,000. The requested adjustment is necessary to realign project budgets to more closely match the year-end projected expenditure amount, and results in a net impact of zero. The project budgets for FY 2006-07 will be adjusted next fiscal year after the budget is adopted. Approval of this agenda item was contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. (C6406280800) (ADM2000-003)

**ROW ANNEXATION BY THE CITY OF CHANDLER**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the annexation by the City of Chandler of county right-of-way within a portion of Queen Creek Road, from the Eastern Canal east to Lindsey Road, in accordance with Ordinance No. 3781. (C6406281000) (ADM4203)

A portion of Section 7, Township 2 South, Range 6 East of the Gila and Salt River Base and Meridian, records of Maricopa County, Arizona, described as follows:

Commencing at the Cotton Picker Spindle marking the Southeast Corner of said Section 7, from which the 1" Iron Pipe marking the South Quarter Corner of said Section 7 bears South 89 degrees 11 minutes 29 seconds West, a distance of 2,659.15 feet; Thence South 89 degrees 11 minutes 29 seconds West, along the South line of the Southeast Quarter of said Section 7, a distance of 65.01 feet to the True Point of Beginning; Thence continuing South 89 degrees 11 minutes 29 seconds West, along said South line, a distance of 2,594.14 feet to the 1" Iron Pipe marking the South Quarter Corner of said Section 7; Thence North 00 degrees 13 minutes 38 seconds West, along the West line of the Southeast Quarter of said Section 7, a distance of 55.07 feet to a point on the Easterly right of way line of the Eastern Canal; Thence North 17 degrees 12 minutes 25 seconds East, along said Easterly right of way line, a distance of 10.45 feet to a point on a line which is parallel with and 65.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, departing said Easterly right of way line along said parallel line, a distance of 1,201.67 feet; Thence departing said parallel line, North 44 degrees 11 minutes 29 seconds East, a distance of 28.28 feet; Thence North 85 degrees 00 minutes 23 seconds East, a distance of 82.22 feet; Thence South 45 degrees 48 minutes 31 seconds East, a distance of 28.28 feet to a point on a line which is parallel with and 71.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, along said parallel line, a distance of 305.00 feet; Thence South 00 degrees 48 minutes 31 seconds East, departing said parallel line, a distance of 6.00 feet to a point on a line which is parallel with and 65.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, along said parallel line, a distance of 762.58 feet; Thence North 00 degrees 48 minutes 31 seconds West, departing said parallel line, a distance of 10.00 feet to a point on a line which is parallel with and 75.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, along said parallel line, a distance of 48.90 feet; Thence North 00 degrees 48 minutes 31 seconds West, departing said parallel line, a distance of 4.00 feet to a point on a line which is parallel with and 79.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, along said parallel line, a distance of 30.00 feet; Thence South 00 degrees 48 minutes 31 seconds East, departing said parallel line, a distance of 4.00 feet to a point on a line which is parallel with and 75.00 feet Northerly, as measured at right angles, from the South line of the Southeast Quarter of said Section 7; Thence North 89 degrees 11 minutes 29 seconds East, along said parallel line, a distance of 85.96 feet; Thence North 44 degrees 28 minutes 41 seconds East, departing said parallel line, a distance of 49.74 feet to appoint on a line which is parallel with and 65.00 feet Westerly, as measured at right angles, from the East line of the Southeast Quarter of said Section 7; Thence South 00 degrees 14 minutes 07 seconds East, along said parallel line, a distance of 109.24 feet to a point on a line which is parallel with and 65.00 feet Westerly, as measured at right angles, from the East line of the Northeast Quarter of Section 18, Township 2 South, Range 6 East of the Gila and Salt River Meridian; Thence South 00 degrees 02 minutes



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02 seconds East, along said parallel line, a distance of 0.76 feet to the True Point of Beginning.

Also described as a portion of Maricopa County Tax Parcels 304 56-017 and 304 56 013D containing approximately 4 acres.

**ON-CALL CULTURAL RESOURCE MANAGEMENT SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award on-call contracts for pending and new projects requiring cultural resource management services. The contracts are effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000 per contract, whichever occurs first. Approval of this agenda item is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget.

- a. On-Call Contract No. 2006-052 with URS Corporation (C6406282500)
- b. On-Call Contract No. 2006-051 with Archaeological Consulting Services, LTD (C6406283500)

**APPOINTMENTS AND RESIGNATIONS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following:

- a. **Housing Authority of Maricopa County** – Appoint Mr. Donald T. Dailey, representing Supervisorial District 4, to fill the unexpired term effective from Board of Supervisors' approval through June 30, 2009. (C0606073900) (ADM2405-001)
- b. **Self-Insured Trust Fund, Board of Trustees** – Re-appoint Joel Sterrett, representing Supervisorial District 2, whose term is effective July 1, 2006 through June 30, 2009. (C0606076900) (ADM3713-001)
- c. **Travel Reduction Program Regional Task Force** – Accept the resignation of Perry Landon Wright, representing Supervisorial District 2, effective upon Board of Supervisors acceptance. (C8506026300) (ADM2358-001)

**REGIONAL SCHOOL DISTRICT #509**

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers

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and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No vouchers were presented for approval and there were no staff updates at this meeting..(ADM3814-003)

**PUBLIC HEARINGS SET**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set the following hearings,. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

- a. **Franchise** – Set a public hearing for 9:00 am on Wednesday, July 26, 2006, to solicit comments and consider the application filed by Arizona-American Water Company for an extension to an existing public service franchise for a domestic water distribution system and a sewerage system. The original franchise was held by Citizens Utilities Company (a.k.a. Citizens Communications Company), which transferred assets to Arizona-American Water Company on September 27, 2000. (F23015)
- b. **Goldfield Ranch Fire District** – Set a public hearing for 9:00 a.m., Wednesday, July 26, 2006, regarding the impact statement for the proposed Goldfield Ranch Fire District, to be located in the Goldfield Ranch Subdivision community, as described in the legal description submitted and on file in the Clerk of the Board's office. At the hearing, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. Also, set the amount of the bond identified in A.R.S. §48-261(C) to cover the projected expenses incurred by the county. Said bond of \$2,000 is due and payable to the county by July 28, 2006. (C0606077700) (ADM4452)
- c. **Planning and Zoning Cases** – No cases are scheduled for the July 26<sup>th</sup> meeting.

**ASRS CLAIMS**

No requests to authorize payment of claims were submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

**CANVASS OF ELECTIONS**

No requests to accept a canvass of elections were submitted by a special district for this meeting.

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

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<b>PARCEL NUMBER</b>	<b>YEAR</b>	<b>Owner</b>	<b>CLASS FROM</b>	<b>CLASS TO</b>
149 36 491	2003	James Spinker	LC/4	LC/3
149 36 491	2004	James Spinker	LC/4	LC/3
149 36 491	2005	James Spinker	LC/4	LC/3
214 35 114	2003	Richard Eiland	LC/4	LC/3
214 35 114	2004	Richard Eiland	LC/4	LC/3
214 35 114	2005	Richard Eiland	LC/4	LC/3
160 55 140	2003	William Silver	LC/4	LC/3
160 55 140	2004	William Silver	LC/4	LC/3
160 55 140	2005	William Silver	LC/4	LC/3
305 05 754A	2003	Gay Abernathy	LC/4	LC/3
305 05 754A	2004	Gay Abernathy	LC/4	LC/3
305 05 754A	2005	Gay Abernathy	LC/4	LC/3
102 74 283A	2004	Donalda Layton	LC/4	LC/3
102 74 283A	2005	Donalda Layton	LC/4	LC/3
118 48 032	2005	Mary Collins	LC/3	LC/6.1
232 25 173	2005	Thomas Swart	LC/4	LC/3
20 41 008	2005	Marion Axtell	LC/4	LC/3
171 34 209	2003	Micki Wynn	LC/4	LC/3
171 34 209	2004	Micki Wynn	LC/4	LC/3
171 34 209	2005	Micki Wynn	LC/4	LC/3
212 02 939	2005	Richard Blake	LC/4	LC/3
218 35 598	2003	NEAL Mccullough	LC/4	LC/3
218 35 598	2004	NEAL Mccullough	LC/4	LC/3
218 35 598	2005	NEAL Mccullough	LC/4	LC/3
144 52 004	2003	Elijah Stuart	LC/4	LC/3
144 52 004	2004	Elijah Stuart	LC/4	LC/3
144 52 004	2005	Elijah Stuart	LC/4	LC/3
145 11 146	2003	Nathaniel Jones	LC/4	LC/3
145 11 146	2004	Nathaniel Jones	LC/4	LC/3
145 11 146	2005	Nathaniel Jones	LC/4	LC/3
217 32 140	2003	Phil Silberman	LC/4	LC/3
217 32 140	2004	Phil Silberman	LC/4	LC/3
217 32 140	2005	Phil Silberman	LC/4	LC/3
301 04 297	2003	Sheila Iosty	LC/4	LC/3
301 04 297	2004	Sheila Iosty	LC/4	LC/3
301 04 297	2005	Sheila Iosty	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested compromise as payment in full. This item was discussed in Executive Session on June 5, 2006. (ADM407)

Brian Rowell

\$12,000.00

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**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
South Mountain Justice Court	360548387	Expense	\$1,080.00
Canon Business Solutions West	360538465	Expense	\$518.88
Canon Business Solutions West	360539917	Expense	\$1,945.80
Lucy Gonzales	260001882	Payroll	\$711.70
City of Phoenix	360554389	Expense	\$623.73
Irene Portnoy	260040626	Expense	\$90.00
APS Energy Services Company	360558510	Expense	\$2,674.95

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Totem Learning Center	Fountain Hills Unified SD #98	460118968	\$885.00
Albertsons Store #975	Phoenix Elem SD #1	460044521	\$498.21
Susan Austin	Regional #509	160096909	\$193.93
Elisa Medrano	Tolleson Union High SD #214	460122893	\$625.73
Associated Fence	Fowler SD	460093364	\$615.59
State Standards Accountability	Gila Bend SD #24	460112864	\$32.59
Kelliann Conner	Fountain Hills Unified SD #98	160094344	\$42.81
Nasco Early Learning	Liberty SD #25	460036200	\$92.08
Shakena Williams	Roosevelt SD #66	460127883	\$420.70
Poster Compliance Center	Wilson Elementary SD #7	460094712	\$207.82
Toys R Us	Phoenix Elem SD #1	460127233	\$404.95
Toys R Us	Phoenix Elem SD #1	460115217	\$1,497.95

**MINUTES CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the typographical corrections to the Board of Supervisors' minutes. (ADM726-001)

<b>ORIGINAL DATE</b>	<b>INCORRECT ITEM</b>	<b>ERROR OR OMISSION</b>	<b>CORRECTED TEXT</b>
02/15/06	School Vouches	No vouchers approved Refers to action on	5149 for approval \$28,894.60
06/10/02	Reso for charitable causes	6/25/01	Action should be 06/06/01
02/06/02	Filing of Special Action	Refers to action on 2/4/01	Action should be 02/04/02

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<b>ORIGINAL DATE</b>	<b>INCORRECT ITEM</b>	<b>ERROR OR OMISSION</b>	<b>CORRECTED TEXT</b>
02/04/04	Appointment to Public Safety - Wolcott	No reference to Sheriff	Add reference to Sheriff PSB
01/05/03	Appointment to Public Safety - Garcia	No reference to Sheriff	Add reference to Sheriff PSB
07/02/03	Agenda Item C6903065000	Not executed	Executed on 6/21/06 under C6905065201

**PRECINCT COMMITTEEMEN**

No requests to authorize the appointment or cancellation of appointment of Precinct Committeemen were received for this meeting. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>TAX ROLL</b>	<b>FROM NO.</b>	<b>TO NO.</b>	<b>NET RESULT</b>
2005	60191	60191	-\$1,585.51

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated June 21, 2006. (ADM704)

**2004**  
TX2004-000353  
**2005**  
ST2005-000055

**STALE DATED WARRANTS**

No warrants were presented for approval at this meeting. (ADM1816)

**TAX ABATEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

<b>PARCEL NUMBER</b>	<b>YEAR</b>	<b>PROPOSED ABATEMENT</b>
302-30-004	1996	\$21.60
302-30-004	1997	\$25.78
302-30-004	1998	\$25.34
302-30-004	1999	\$23.02
302-30-004	2000	\$20.36

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<b>PARCEL NUMBER</b>	<b>YEAR</b>	<b>PROPOSED ABATEMENT</b>
302-30-004	2001	\$626.17
302-30-004	2002	\$1,286.57
302-30-004	2003	\$1,285.77
302-30-004	2004	\$1,804.61
302-30-004	2005	\$1,609.00
304-69-019R	1989	\$583.30
304-69-019R	1991	\$343.30
304-69-019R	1992	\$629.73
304-69-019R	1993	\$621.46
304-69-019R	1994	\$576.84
304-69-019R	1995	\$408.68
304-69-019R	1996	\$369.31
304-69-019R	1997	\$352.77
304-69-019R	1998	\$425.53
304-69-019R	1999	\$465.73
304-69-019R	2000	\$561.91
304-69-019R	2001	\$527.87
304-69-019R	2002	\$466.73
304-69-019R	2003	\$332.27
304-69-019R	2004	\$235.81
304-69-019R	2005	\$182.89

**WRITE-OFFS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held June 5, 2006. (ADM407)

John Dunbar

\$42,442.68

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

Edmund J. Loya, citizen, explained that he had parked at the Estrella Jail last week to visit an inmate and had been forcibly searched, arrested, assaulted and told not to return. He said he has since spoken to Sgt. Allen and told he could return. He asked for the names of all the personnel that were "there" that day, sheriff's personnel and any numbers of the public who were listed as visitors and who witnessed the incident. He wants to press "any criminal charges that would rise out of this incident." He said that sheriff's deputies told him "this was their property and they had the right to search me." He added, "This problem is not going away until it's resolved to my satisfaction." (ADM605)

Roman Ulman, American Federation of State, County and Municipal Employees, spoke on the previous month's Board's action to discontinue the practice of automatic deduction of union dues from County employees paychecks. He said they have worked to allay the worries expressed by Board members at that time.(that dues monies may be used for any political purposes) and would provide any additional

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information required to reinstate this deductive process. He explained that other means of collecting dues would present a hardship to union members and asked that the issue be revisited.

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock said that former security captain for the County, Ron Reddick, was in the audience and recognized him and wished him well in his new position. (ADM606)

Supervisor Wilson commended, on behalf of the Board, the many firefighters and others who are helping to fight the fire in the Sedona area.

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **Z2002-053     District 4**  
       **Applicant:**     Stantec Consulting, Inc.  
       **Location:**     Southeast corner of 129th Avenue and Glendale Avenue (in the west Glendale area)  
       **Request:**        Rezone from Rural-43 to R1-8 RUPD (approximately 55.5 acres) – 129th Avenue and Glendale Avenue

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2002-053, subject to the following stipulations "a" through "t". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of the site shall comply with the zoning exhibit entitled "129th Ave. & Glendale Ave. Preliminary Plat & Zoning Exhibit", consisting of three (3) full-size sheets, dated revised March 15, 2006, and stamped received April 20, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Narrative for 129th Ave & Glendale Ave" consisting of nine (9) pages dated revised March 2006, and stamped received April 20, 2006, except as modified by the following stipulations.
- c.     Development of the site shall be in conformance with the landscape plan entitled "129th Ave & Glendale Ave. Preliminary Landscape Plan", consisting of two (2) 11" x 17" sheets, stamped received April 20, 2006.
- d.     All trees shall be double-staked when installed.
- e.     All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall

be screened with landscape material where possible. All HVAC units shall be ground-mounted.

- f. The applicant shall comply with the following Maricopa County Department of Transportation (MCDOT) requirements:
  - i) Provide a total half-width of 55' right-of-way on Glendale Avenue
  - ii) Provide a total half-width of 40' right-of-way on Maryland Avenue and 127th Avenue
  - iii) Provide a total half-width of 30' right-of-way on 129th Avenue
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. The subdivision is limited to 112 lots. No further lot-splitting will be allowed.
- j. Lots adjacent to 127th Ave. (Lots 103 -109) shall be limited to one-story.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation
- n. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.



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Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- o. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- p. Prior to Final Plat approval, Approvals to Construct for the onsite and offsite water and sewer lines, must be issued by Maricopa County Environmental Services Department (MCESD).
- q. A quality of life assessment of \$596 for each housing unit built is to be made available to the Maricopa County Library District."
- r. Major changes to the RUPD Zoning Plan (zoning exhibit, narrative report and stipulations of approval) shall be processed with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- t. The R1-8 RUPD zoning district for 129th Avenue & Glendale Avenue shall be subject to the development standards of the following RUPD Comparison Chart.

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<b>DEVELOPMENT STANDARD</b>	<b>BASE, R1-8</b>	<b>R1-8, RUPD</b>
Maximum building height / stories	30'2 stories	30' / 2 stories
Minimum front setback	20'	20'
Minimum side setback	7'	7'
Minimum street side setback	10'	10'
Minimum rear setback	25'	25'
Minimum lot size	8,000 sq. ft.	8,000 sq. ft.
Minimum lot width	80'	65'
Average lot area per dwelling unit	10,000 sq. ft.	17,618 sq.ft.
Maximum lot coverage	35%	35%
Minimum distance between Buildings on same lot	15'	15'
Required parking spaces per unit	2	2
Perimeter Fence/Wall Height	6'	9'
Retaining Wall Height	N/A	3' (max)
Walls Combined Height	N/A	10'
Hillside Development Standard	35% disturbance	100% disturbance
Detached Accessory Structures	As allowed under MCZO Article 601.2.13	None to be allowed

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission to approve this rezoning request with stipulations "a" through "t."

- 2. Z2001-076 District 4**  
**Applicant:** Gilmore Parsons, LLC for ACCESS 101, LLC  
**Location:** Glendale Avenue, east of El Mirage Road (in the west Glendale area)  
**Request:** Special Use Permit (SUP) for an inert landfill in the Rural-43 and IND-3 zoning districts (approximately 34 acres) – ACCESS 101

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2001-076, subject to the following stipulations "a" through "s". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Site Plan for Special Use Permit Inert Landfill Exhibit D", consisting of one (1) full-size sheet, prepared by Gilmore Parsons Land Design Group, dated September 10, 2005 and stamped received April 27, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be consistent with the narrative entitled "Special Use Permit – Inert Landfill", consisting of 10 pages plus exhibits, prepared by Gilmore Parsons Land Design Group, dated April 26, 2006, and stamped received April 27, 2006, except as modified by the following stipulations.

- c. No portion of case Z2001-074, relating to a Special Use Permit for an Amusement Park, is inferred with the approval of the subject case. Within one (1) year of the approval of the subject case by the Board of Supervisors, the owners shall either complete the Special Use Permit process initiated under Z2001-074, or shall remove from the premises all structures and/or equipment associated with the amusement park. If the owner wishes to continue forward with Z2001-074, the owner shall remit additional fees in the amount of \$2,500, in accordance with the Planning and Development Department's Fee Schedule.
- d. The operators of the inert landfill shall not allow the introduction of non-inert materials in accordance with the Quality Control Plan included as Exhibit H of the project narrative. Additionally, the operators shall keep a record of the materials that are accepted into the landfill and of what materials that were rejected from the landfill and directed elsewhere for disposal. Said record shall be included in the status reports outlined in stipulation 'j' below. The operators shall be responsible for the removal of any non-inert materials that may have been introduced into the landfill.
- e. The appropriate as-built permits shall be obtained for the scale house, office, fencing, and other structures located on site.
- f. Prior to zoning clearance for any permits, the owner/applicant shall submit a Grading and Drainage Plan and associated Drainage Report.
- g. The following Flood Control District stipulations shall be met:
  - i. Prior to any construction, a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
  - ii. All buildings and other structures including fuel tanks will need to be removed, elevated above the Regulatory Flood Elevation, or flood-proofed and anchored.
  - iii. All miscellaneous items below the Regulatory Flood Elevation will need to be stored in a fashion to prevent floatation and from leaving the site.
  - iv. The banks will need to be stabilized.
  - v. Erosion protection will need to be provided on the fill banks.
  - vi. No fill will be placed in the floodway.
- h. The owner/applicant shall coordinate with City of Glendale regarding the tie-in of the levee.
- i. This Special Use Permit shall expire ten (10) years from the date of Board of Supervisors approval.
- j. The applicant shall submit a written report outlining the status of the development on an annual basis, beginning one (1) year following the approval of the Special Use Permit by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. The operators shall allow periodic and unannounced inspections by County, City and State personnel.

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- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- n. All trees shall be double-staked when installed.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- q. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission to approve this Special Use Permit with stipulations "a" through "s."

- 3. S2005-046 District 4**  
**Applicant:** DEI Professional Services on behalf of Pulte Homes  
**Location:** North of Deer Valley Road and west of the proposed El Mirage Road alignment (in the Sun City West area)  
**Request:** Final Plat in the R1-6 zoning district for Corte Bella Country Club, Unit P (approximately 40.47 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve this final plat.

- 4. S2005-096 District 4**  
**Applicant:** Coe & Van Loo on behalf of Citrus and Northern LLC

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**Location:** West of Citrus Road and north of Northern Avenue (in the Surprise area)  
**Request:** Final Plat in the Rural-43 zoning district for White Tanks Foothills Infrastructure Phase 1B (approximately 12.294 acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve this final plat.

- 5. S2006-020 District 2**  
**Applicant:** Kenneth & Susan Forrey  
**Location:** 8540 E. McDowell Road (in the east Mesa area)  
**Request:** Replat of Lot 62 of Thunder Mountain (1.0 acre)

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve this replat.

**REGULAR AGENDA DETAIL:**

- 6. Z2004-133 District 4**  
**Applicant:** Dan Powell/Parrothead Properties, LLC  
**Location:** West of northwest corner of Dysart Road and Glendale Avenue (in the west Glendale area)  
**Request:** Rezone from C-1 to C-2 PD for a self-serve carwash (approximately 0.89 acre) – Powell Carwash

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004-133, subject to the following stipulations "a" through "p". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Powell Self Service Carwash", consisting of one (1) sheet, dated (revised) April 14, 2006, and stamped received April 24, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Powell Self Serve Car Wash Rezone from C-1 to C-2 PD", consisting of three (3) pages, dated (revised) March 18, 2006, and stamped received May 9, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Powell Self Service Carwash", consisting of one (1) page, stamped received April 24, 2006, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.

- g. Dedication of additional rights-of-way to bring the total half-width dedication to 55' for Glendale Avenue shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- h. The applicant shall provide ultimate half-width street improvements to meet City of Glendale requirement of 55' dedicated right-of-way and road improvements including pavement, curb, gutter and 6' wide sidewalk to City of Glendale standards. The retention basin shall be located outside of the public right-of-way.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the City of Glendale and Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. The owner shall notify future owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Habitable buildings should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

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For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

- n. All habitable buildings shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard said there is no known opposition to this rezoning request and the recommendation is for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "p."

- 7.      Z2001-145      District 3**  
**Applicant:** Newland & Joyce Happersett  
**Location:** North of Dynamite Road, and west of 54th Street (in the north Phoenix area).  
**Request:** Special Use Permit (SUP) for a horse boarding facility in the Rural-43 zoning district (approximately 3.02 acres) – Blue Grass Arabians

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2001-145, subject to the following stipulations "a" through "x". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Blue Grass Arabian Ranch" consisting of one (1) full-size sheet, dated revised January 30, 2006 and stamped received February 01, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Blue Grass Arabians" consisting of 3 pages stamped received January 28, 2005 except as modified by the following stipulations.
- c. At no time day or night shall any amplified music be generated from the site.
- d. The site shall be kept free of all litter, junk, trash and debris at all times. The applicant shall be responsible for ensuring that all employees and patrons of the site dispose of their trash without littering the adjacent street or neighboring properties.

- e. A fly control system shall be installed and shall remain operation for the duration of the Special Use Permit.
- f. Manure shall be removed from the site twice weekly and shall be disposed of in accordance with applicable laws. All manure shall be kept in an air-tight and fly-tight container until such time as it is removed.
- g. The applicant shall ensure that the site is routinely watered such to prevent fugitive dust emissions.
- h. No livestock other than the horses kept under boarding shall be kept on site.
- i. There shall be no special events of any type held on site, except as approved under the appropriate Temporary Use Permit.
- j. The maximum number of horses kept on site shall not exceed nineteen (19) including any horses owned by the applicant.
- k. The hours of operation shall be 7:00 a.m. to 10:00 p.m.
- l. Within 30 days of approval of this Special Use Permit by the Board of Supervisors, the applicant shall prepare and submit "As built permits" for all structures on the site that do not have registered permit according to Maricopa County records.
- m. All landscaping shall be maintained in good health and replaced as necessary for the life of the Special Use Permit (SUP) approval.
- n. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Provide a 70-foot total half-width right-of-way dedication on Dynamite Boulevard.
  - ii. Driveways in county right-of-way shall be paved.
  - iii. On site drives and parking area shall meet EPA requirements for dust control.
  - iv. The applicant shall get an encroachment permit from MCDOT to leave existing fence in place.
- o. All landscaping with the County right-of-way shall be in compliance with Maricopa County Department of Transportation regulations.
- p. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- q. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- r. The applicant shall pave with asphalt the portion of driveway within the County right-of-way.



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- s. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- t. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and at the end five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- u. This Special Use Permit shall expire ten (10) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- v. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- w. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- x. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Darren Gerard said there had been three letters of opposition but the issue has been resolved and the recommendation was for approval.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "x."

- 8.      Z2005-073      District 4**  
**Applicant:** Cindy Gura  
**Location:** West of the northwest corner of Dysart Road and Camelback Road (in the west Glendale / Litchfield Park area)  
**Request:** Renewal of a Special Use Permit (SUP) for a horse riding and boarding facility in the Rural-43 zoning district (approximately 43 acres) – Dale Creek Equestrian Center

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**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-073, subject to the following stipulations "a" through "o". Commissioner Masel seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "Dale Creek Equestrian Village", consisting of 1 sheet, dated (revised) January 05, 2006, and stamped received March 14, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Dale Creek Equestrian Village Z2005073", consisting of 6 pages, dated (revised) November 1, 2005, and stamped received February 16, 2006, except as modified by the following stipulations.
- c. The facility will continue to comply with all applicable provisions of Chapter XI of the Maricopa County Health Code
- d. The number of special events shall be limited to ten (10) during a calendar year, and the total attendees per event shall be limited to 100 at any given time. In no instance, shall there be on-street parking related to these events.
- e. The maximum number of horses kept on the site shall not exceed one-hundred (100) including any horses owned by the applicant.
- f. Manure shall be properly disposed of at least twice weekly.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. This Special Use Permit shall expire 18 years from the date of approval by the Board of Supervisors.
- l. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status

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report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- m. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said there is no known opposition to the renewal of the Special Use Permit for this horse boarding facility and there is neighborhood support.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

- 9. Z2005-134 District 4**  
**Applicant:** T-Mobile/United Church of Christ  
**Location:** Southeast corner of Boswell Boulevard and 103rd Avenue (in the Sun City area)  
**Request:** Special Use Permit (SUP) for cellular communications facility in the Rural-43 SC zoning district, Wireless Communication Facility Use District 1 (approx. 0.008 acre) – United Church of Christ

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-134, subject to the following stipulations "a" through "k". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "United Church of Christ Wireless Communication Facility-Special Use Permit Z2005134", consisting of six (6) full-size sheets, dated revised January 26, 2006, and stamped received April 3, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "T-Mobile Project Narrative For Special Use Permit Case Z2005134", consisting of three (3) pages, dated revised March 29, 2006, and stamped received April 3, 2006, except as modified by the following stipulations.

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- c. The overall height of the wireless communication facility shall be limited to 70' including all antennas and attachments.
- d. Prior zoning Clearance the applicant shall submit copy of a submitted Form 7460-1 Notice of Proposed Construction or Alteration to the Federal Aviation Administration. Evidence of complete with this stipulation should be provided to the Planning and Development Department.
- e. All trees shall be double-staked when installed.
- f. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- g. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- h. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- i. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "k."

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to recess into executive session, in the Tom Sullivan Conference

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Room, 301 West Jefferson, for the purpose of reviewing matters listed below for legal advice, pursuant to the listed statutory references. All members remained in session when the meeting reconvened.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)**

**E-1. Advice regarding legal issues and options concerning County Regional School District/Accommodations School funding, management, audit issues, and Dr. Sandra Dowling v. Maricopa County, et al., Superior Court No. LC-2006-000370-001-DT.**

Sandi Wilson, Deputy County Manager  
Brian Hushek, Deputy Budget Director  
Shelby Scharbach, Deputy Finance Director  
Dean Wolcott, Outside Counsel  
Tom Manos, Chief Financial Officer  
Ross Tate, County Auditor  
Tom Irvine, Outside Counsel  
Fred Rosenfeld, Outside Counsel  
LeeAnn Bohn, Budget Manager

**LEGAL ADVICE; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) and (A)(4)**

**E-2. IGA between Maricopa County and the Maricopa County Regional School District #509 regarding school operations and financing.**

Sandi Wilson, Deputy County Manager  
Brian Hushek, Deputy Budget Director  
Shelby Scharbach, Deputy Finance Director  
Dean Wolcott, Outside Counsel  
Tom Manos, Chief Financial Officer  
Ross Tate, County Auditor  
Tom Irvine, Outside Counsel  
Fred Rosenfeld, Outside Counsel  
LeeAnn Bohn, Budget Manager

**MEETING ADJOURNED**

After consideration of the above items and there being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board